

THURSDAY, APRIL 12, 1990

**NINETIETH LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Rev. William C. Vaughn, Trinity Assembly of God, Union City, Tennessee.

Representative Pinion led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 99

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 99.

**RULES SUSPENDED**

Rep. Naifeh moved to suspend Rule No. 12 to take up the Message Calendar out of order, which motion prevailed.

**RULES SUSPENDED**

Rep. Phillips moved to suspend Rule No. 12 so that the Consent Calendar can be taken up as the first order of business, which motion prevailed.

**CONSENT CALENDAR**

House Joint Resolution No. 0929 -- Memorials, Public Service --

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Commends sponsors of Fire Safety House program.

**House Joint Resolution No. 0930 -- Memorials, Retirement -- Honors Joe Taylor, Mayor of Brownsville.**

**Senate Joint Resolution No. 0641 -- Memorials, Interns -- Honors Daniel Lee Hollingsworth, III, 1990 legislative intern.**

**House Bill No. 2637 -- Hamilton County -- Allows certain employees to transfer to TCRS. Amends Chapter 557, Private Acts of 1939, as amended.**

On motion House Bill No. 2637 was made to conform with Senate Bill No. 2624.

On motion Senate Bill No. 2624, on same subject, was substituted for House Bill No. 2657.

**House Bill No. 2681 -- Henderson County -- Gives general sessions judges cost of living raise. Amends Chapter 393, Private Acts of 1941, as amended.**

**House Bill No. 2688 -- Whiteville -- Revises charter relative to certain officials. Amends Chapter 280, Acts of 1901, as amended.**

**House Bill No. 2689 -- Somerville -- Revises charter. Amends Chapter 409, Acts of 1901, as amended.**

**House Bill No. 2691 -- Charlotte -- Expands municipal borrowing powers. Amends Chapter 154, Private Acts of 1955, as amended.**

**House Bill No. 2692 -- Milan -- Requires mayor and aldermen to hold monthly meetings; provides for run off elections. Amends Chapter 458 of the Acts of 1901, as amended.**

**House Bill No. 2693 -- Columbia -- Revises charter. Amends Chapter 380 of the Private Acts of 1972, as amended.**

**House Bill No. 2694 -- Kingston -- Revises charter. Amends Chapter 328 of the Acts of 1903, as amended.**

**House Bill No. 2696 -- Weakley County -- Increases base salary of general sessions judge in 1994.**

**House Resolution No. 0217 -- Memorials, Sports -- Honors Coach Ron Kerley and Gibbs High School boys' basketball team.**

**House Joint Resolution No. 0928 -- Memorials, Retirement -- Honors Dorothy Grace Ventress Durham.**

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third

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and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	92
Noes . . . . .	0
Present and not voting . . . . .	4

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 92.

Representatives present and not voting were: Bivens, Good, Starnes, Yelton -- 4.

A motion to reconsider was tabled.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

\*House Bill No. 0074 -- Taxes, Sales -- Increases state sales tax; repeals local sales tax but remits portion of state sales tax to local government. Amends TCA, Title 67, Ch. 6.

**Senate Amendment No. 1**

AMEND House Bill No. 74 by deleting all language following the enacting clause in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-212(a), is amended by deleting item (5) in its entirety and by substituting instead the following:

(5) Fees for subscription to, access to or use of cable television services in excess of those charges made for the basic rate charged by the supplier of such services.

SECTION 2. This act shall take effect July 1, 1990, the

public welfare requiring it.

**Senate Amendment No. 2**

Amend House Bill No. 74 by adding the following language to be designated as Section 2 and renumbering the subsequent section accordingly:

Tennessee Code Annotated 67-6-712 is amended by adding the following as new subparagraph (c):

"(c) County trustees, in counties having populations of three hundred and ten thousand (310,000) persons to four hundred seventy-five thousand (475,000) persons according to the 1980 federal census or any subsequent federal census, shall not be entitled to receive compensation for receiving and distributing the taxes under subsection (a), notwithstanding the provisions of Section 8-11-110 or any other law to the contrary and notwithstanding the provisions of subsection (b)(2) of Section 67-6-712."

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to House Bill No. 74, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	5

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Stamps, Starnes, Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Yelton, Mr. Speaker Murray -- 90.

Representatives voting no were: Haun, Sipes, Turner, C. (Shelby), Wolfe, Wood -- 5.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

\*House Bill No. 1800 -- Pensions and Retirement Benefits -- Excludes certain officials and employees of TCRS from court



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appearance by process; authorizes board of trustees to revise certain provisions. Amends TCA 8-24-404; Title 8, Ch. 34, Pt. 2, 8-35-401, 440, 8-36-109, 8-36-501, 8-37-104, 8-37-502, 64-1-312, 64-1-909, 64-5-115; Title 68, Ch. 2, Pt. 11.

Senate Amendment No. 3

Amend House Bill No. 1800 by deleting the amendatory language in SECTION 1 in its entirety and by substituting instead the following:

Section \_\_\_\_\_. (a) Except as hereinafter provided, when a subpoena duces tecum is served upon any employee of the retirement system in an action or proceeding in which the retirement system is not a party and such subpoena requires the production of all or any part of the records of the retirement system relating to any member, prior member, or retiree of the retirement system, it shall be sufficient compliance therewith if the employee within fourteen (14) days after being served with a subpoena duces tecum, shall, either by personal delivery or certified or registered mail, file with the court clerk or the issuer, a true and correct copy (which may be a copy reproduced on film or other reproducing material by microfilming, photographing, photostating or other approximate process, or a facsimile, exemplification or copy of such reproduction or copy) of all records specifically described in such subpoena.

(b) The records shall be accompanied by an affidavit of a custodian stating in substance:

(1) That the affiant is duly authorized custodian of the records and has authority to certify the records; and

(2) That the copy is a true copy of all the records described in the subpoena.

(c) If the retirement system has none of the records described, or only part thereof, the custodian shall so state in the affidavit and file the affidavit and such records as are available in the manner prescribed in this section.

(d) The copy of the record shall be admissible in evidence to the same extent as though the original thereof were offered and the custodian had been present and testified to the matters stated in the affidavit. The affidavit shall be admissible in evidence and the matters stated therein shall be presumed true in the absence of a preponderance of evidence to the contrary. When more than one (1) person has knowledge of the facts, more than one (1) affidavit may be made.

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(e) The personal attendance of the custodian may be commanded only if personal attendance is necessary to resolve a good faith dispute concerning the accuracy of information furnished by the retirement system. Where personal attendance of the custodian is required, the subpoena duces tecum shall contain a clause which reads:

The procedure authorized pursuant to § 8-34-2 will not be deemed sufficient compliance with this subpoena."

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 1800, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Good, Gunnels, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

\*House Bill No. 1701 -- Public Printing -- Revises duties of state publications committee.

#### Senate Amendment No. 2

AMEND House Bill No. 1701 by adding the following new sections immediately before the effective date section and numbering the sections accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 2-11-202(a)(7), is amended by inserting between the words "publish" and "and" the following:

in accordance with the rules, regulations, policies, and procedures of the state publications committee,

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SECTION \_\_\_\_ Tennessee Code Annotated, Section 4-3-2206(a), is amended by inserting immediately following the word "shall" the following:

in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_ Tennessee Code Annotated, Section 4-3-2206(b)(2), is amended by inserting between the words "compile" and "information" the following:

, in accordance with the rules, regulations, policies, and procedures of the state publications committee:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 4-10-108, is amended by adding after the last sentence the following:

all reports within this section shall be published in accordance with the rules, regulations, policies and procedures of the state publications committee.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 4-21-202(13), is amended by deleting the language in its entirety and by substituting therein the following:

(13) To render, in accordance with the rules, regulations, policies, and procedures of the state publications committee, a written report. The report may contain recommendations of the commission for legislative or other action to effectuate the purposes and policies of this chapter;

SECTION \_\_\_\_ Tennessee Code Annotated, 4-36-211(b), is amended by deleting the language of the subsection in its entirety and by substituting instead the following:

(b) The commission shall prepare annually a report of all such meetings, business, actions taken, collections, disbursements and recommendations it deems necessary and desirable following the termination of the racing season in this state. Such report shall be published in accordance with the rules, regulations, policies, and procedures of the state publication committee.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 11-5-103(8), is amended by inserting between the words "preparation" and "of" the following:

in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_ Tennessee Code Annotated, Section 11-5-103(9), is amended by inserting between the words

"preparation" and "of" the following:

, in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_ Tennessee Code Annotated, Section 11-6-101(b)(5), is amended by inserting between the words "publication" and "of" the following:

, in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_ Tennessee Code Annotated, Section 12-6-116(a), is amended by inserting between the words "state" and "is" the following:

in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_ Tennessee Code Annotated, Section 13-23-125(a), is amended by deleting from the first sentence the words, figures and symbols "shall, promptly following the close of each fiscal year," and by substituting instead the following:

may, in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_ Tennessee Code Annotated, Section 16-21-107(6), is amended by inserting between the words "publish" and "statistics" the following:

, in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_ Tennessee Code Annotated, Section 33-1-203(4), is amended by deleting the words "an annual" and substituting therein the following:

, in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_ Tennessee Code Annotated, Section 33-1-302(b), is amended by deleting the word "shall" and substituting therein the following:

may, in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_ Tennessee Code Annotated, Section 37-1-506, is amended by deleting the second sentence in its entirety and by substituting instead the following:

The council may publish in accordance with the rules, regulations, policies and procedures of the state publications committee, such data and make such data available to properly concerned agencies and individuals, or to any person upon request.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 44-7-205, is amended by deleting from the first sentence the word "annually" and substituting in its place the following:

in accordance with the rules, regulations, policies, and procedures of the state publications committee.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 49-1-201(c)(2), is amended by inserting between the words "publish" and "statistics" the following:

, in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_ Tennessee Code Annotated, Section 49-2-110, is amended by inserting as a new subsection (b) the following and by renumbering the subsequent subsections accordingly:

(b) The manual referenced in subsection (a) shall be published in accordance with the rules, regulations, policies, and procedures of the state publications committee.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 49-1-201(c)(7), is amended by deleting the subdivision in its entirety and by substituting therein the following:

(c)(7) To print and distribute to the local boards of education and all state, county and city school officers copies of the school law. Such printing shall be made in accordance with the rules, regulations, policies, and procedures of the state publications committee;

SECTION \_\_\_\_ Tennessee Code Annotated, Section 49-6-2202, is amended by inserting at the end of the subsection the following:

The list shall be published in accordance with the rules, regulations, policies, and procedures of the state publications committee.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 49-6-3110(b), is amended by inserting between the words "publish" and "maximum" the following:

, in accordance with the rules, regulations, policies,

and procedures of the state publications committee,

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 49-7-2203(b), is amended by deleting the words "and distribute" and substituting therein the following:

, in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 49-7-202(c)(1), is amended by inserting the following sentence after the first sentence:

The master plan shall be published in accordance with the rules, regulations, policies, and procedures of the state publications committee.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 49-10-301, is amended by inserting as a new subsection (d) the following:

The publication of such plan or any amendments or revisions thereto shall be made in accordance with the rules, regulations, policies, and procedures of the state publications committee.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 50-6-119, is amended by redesignating the current language as subsection (a) and by adding a new subsection (b) as follows:

(b) Any publications for distribution under this section must be published in accordance with the rules, regulations, policies, and procedures of the state publications committee.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 54-17-105(c), is amended by inserting between the words "shall" and "prepare" the following:

, in accordance with the rules, regulations, policies, and procedures of the state publication committee,

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 62-19-110(b)(2), is amended by inserting between the words "printed" and "by" the following:

, in accordance with the rules, regulations, policies, and procedures of the state publications committee,

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 63-1-114, is amended by deleting the word "annually" and substituting therein the following:

in accordance with the rules, regulations, policies,

and procedures of the state publications committee,

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 68-30-110(h), is amended by deleting the words "shall" in subsection (h) and substituting the word "may".

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 68-30-110, is amended by inserting as a new subsection (i) the following:

(i) The report referenced in subsection (h) shall be published in accordance with the rules, regulations, policies, and procedures of the state publications committee.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 70-1-304(3), is amended by inserting between the words "publish" and "the" the following:

, in accordance with the rules, regulations, policies, and procedures of the state publications committee,

Rep. Bragg moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 1701, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on the

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motion to concur in Senate Amendment No. 2 to House Bill No. 1701 and have this statement entered in the Journal.

Rep. Randy Stamps

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

\*House Bill No. 1777 -- Boards and Commissions -- Revises certain fees, operations and structures of certain boards, commissions and other governmental entities. Amends TCA, Title 53, Chs. 11, 14; Title 55, Ch. 22; Titles 62, 63; Title 68, Ch. 50.

Senate Amendment No. 2

AMEND House Bill No. 1777 by deleting Section 12 in its entirety and by redesignating the subsequent sections accordingly:

Senate Amendment No. 4

AMEND House Bill No. 1777 by deleting Sections 50 and 51 and by substituting instead the following:

Section 50. Tennessee Code Annotated, Section 62-31-101, is amended by deleting the word "Recruiting."

Section 51. Tennessee Code Annotated, Section 62-31-102, is amended by deleting subsections (1) and (9), and adding new subsections and amending the existing subsections accordingly as follows:

( ) "Contract labor" means the employee of a contract labor firm.

( ) "Contract labor firm" means any firm that furnishes its employees to perform services to other firms subject to their control and supervision.

( ) "Employee leasing services" means services provided by an employee leasing organization.

( ) "Employee leasing organization" means any firm which places employees of another business on its payroll and leases such employees back to the client on an on-going basis for a fee.

( ) "Temporary employee" means an employee of a temporary help services firm who is assigned to the firm to perform services to others.

( ) "Temporary help services firm" means an organization that assigns its employees to perform



services to others with the understanding that the temporary employee's services will be terminated at the completion of the assigned tasks or functions or time period.

Section 52. Tennessee Code Annotated, Section 62-31-102, subsection (10), is amended by adding a new item thereto, as follows:

( ) Assigns temporary employees or furnishes contract labor or leased employees to clients for the express purpose of placing the employees in permanent positions with those clients.

Section 53. Tennessee Code Annotated, Section 62-31-102, subsection (10), is amended by deleting the word "recruiting" as it appears throughout this subsection.

Section 54. Tennessee Code Annotated, Section 62-31-103, is amended by changing the semi-colon to a period and deleting the word "or;" in subsection (5), and deleting subsection (6) in its entirety, and substituting instead, the following:

(6) Any health care provider who provides health care services and who is licensed pursuant to Tennessee Code Annotated, Title 63, or Title 68, Chapter 11.

Section 55. Tennessee Code Annotated, Section 62-31-104, is amended by deleting the words "licensed" and "recruiting" everywhere they appear in the section.

Section 56. Tennessee Code Annotated, is amended by deleting Sections 62-31-105, 62-31-106, 62-31-107, 62-31-108, 62-31-109, 62-31-110, 62-31-111, 62-31-112, 62-31-115, 62-31-116, 62-31-117, 62-31-118 and 62-31-119.

Section 57. Tennessee Code Annotated, Title 62, Chapter 31, is amended by adding Sections 58 through 66 as a new part thereof.

Section 58. No person shall conduct, maintain, or operate a personnel service, temporary help services firm, contract labor firm, or employee leasing organization in this state, unless such person registers such service with the department and annually renews such registration pursuant to regulations promulgated by the department.

Section 59. An application for registration for a personnel service, temporary help services firm, contract labor firm or employee leasing organization doing business in Tennessee shall be submitted by its owner, and accompanied by:

(1) A nonrefundable fee set by the department;  
and

(2) Name of the personnel service, temporary help services firm, contract labor firm, or employee leasing organization, and its branch offices;

(3) Address of the personnel service, temporary help services firm, or employee leasing organization, and its branch offices; and

(4) Business telephone number of the personnel service, temporary help services firm, contract labor firm, or employee leasing organization and its branch offices.

Section 60. Each personnel service, temporary help services firm, contract labor firm, or employee leasing organization shall:

(1) Keep and retain for a period of two (2) years records which clearly show:

(A) Certification on each employee acknowledging receipt of a written copy of employment benefits, including but not limited to, insurance benefits, workers' compensation, unemployment benefits and overtime compensation offered by such personnel service firms, temporary help services firms, contract labor firms, and employee leasing organizations.

(B) In the event that such firms are not responsible for benefits as mentioned in Section A above, said firms shall notify employee as to what third party employer is responsible.

(2) Maintain an office and all required records at the address indicated on the registration form. Such office, and each branch office, shall have a conspicuous sign showing the name of the firm, and a telephone using the telephone number indicated on the registration form.

Section 61.

(a) The department, upon the complaint in writing of any person shall investigate any person or agency registered under Sections 58 through 66 of this act. The department shall promptly transmit any such complaint within ten (10) days of receipt to the accused person or agency by registered mail.

(b) The department may inspect the premises of any agency under reasonable circumstances during

normal business hours. The department may also examine such records required by law to be kept which pertain to a specific written complaint or alleged offense by an agency.

Section 62. With respect to Sections 58 through 66 of this act, the department may in a lawful proceeding assess a civil penalty of not more than five hundred dollars (\$500) for each violation of a statute, rule or order enforceable by the department. In the event of nonpayment of any civil penalty lawfully assessed pursuant to this section, such penalty shall be recoverable in the name of the state of Tennessee by the attorney general in the chancery court of the county in which all or part of the violation occurred. All sums recovered under this section shall be paid into the state treasury.

Section 63. The provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, shall govern all matters and procedures respecting the hearing and judicial review of any contested case arising under Sections 58 through 66 of this act.

Section 64. The department is authorized to promulgate such rules as are reasonably necessary to effectuate the purposes of Sections 58 through 66 of this act. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

Section 65. The department may seek relief at law or equity to restrain or enjoin any act or practice in violation of Sections 58 through 66 of this act or any rule duly promulgated thereunder. Jurisdiction is conferred upon the chancery and circuit courts of this state to hear and determine such a suit. No bond shall be required for the prosecution of the suit, or for the issuance of an injunction or restraining order.

Section 66. Any person violating the provisions of Sections 58 through 66 of this act, or any rule duly promulgated hereunder, shall be guilty of a Class C misdemeanor. Each day of such violation shall constitute a separate offense.

Section 67. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 68. Section 66 shall take effect on January 1, 1991, and all other sections of this act shall take effect upon becoming law, the public welfare requiring it.

AND FURTHER AMEND by deleting Section 11.

Senate Amendment No. 6

Amend House Bill No. 1777 by adding the following new section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Title 62, Chapter 18, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_ Notwithstanding any other provision of law to the contrary, all limited non-monumentation procedures or practices such as "mortgage loan inspections," "mortgage loan certificates," "mortgage title inspections," and "improvement loan certificates," shall be authorized as closing or loan surveys.

Rep. Scruggs moved that the House concur in Senate Amendment(s) No(s) 2, 4 and 6 to House Bill No. 1777, which motion prevailed by the following vote:

Ayes . . . . .	84
Noes . . . . .	9
Present and not voting . . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Good, Gunneley, Harrell, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, O. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 84.

Representatives voting no were: Crain, Halteman, Jackson, Odom, Pinion, Purcell, Shirley, Stamps, Whitson -- 9.

Representatives present and not voting were: Herron -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2037 -- Drugs -- Imposes mandatory fines upon

persons convicted of certain drug offenses; provides for allocation of such fines. Amends TCA, Title 39, Ch. 17, Pt. 4.

**Senate Amendment No. 12**

Amend House Bill No. 2037 by adding the following to the end of subsection (c) of Section \_\_\_ of Section 1 as amended by Amendment 1 and substituting instead the following:

Provided, however, nothing in this section shall be construed as prohibiting the use of proceeds from fines imposed pursuant to this section for the purpose of drug education.

**Senate Amendment No. 16**

AMEND House Bill No. 2037 by deleting subsection (c) of the amendatory language of Section \_\_\_ of SECTION 1 as amended by Senate Amendment 6 and substituting instead the following:

(c)(1) The first fifty dollars (\$50) of any fine collected pursuant to subsection (b)(1) of this section shall be allocated in the manner set out in Tennessee Code Annotated, Section 39-17-420. The remainder of any such fine collected shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

(2) The first one hundred dollars (\$100) of any fine collected pursuant to subsection (b)(2) of this section shall be allocated in the manner set out in Tennessee Code Annotated, Section 39-17-420. The remainder of any such fine collected shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

(3) The first one hundred and fifty dollars (\$150) of any fine collected pursuant to subsection (b)(3) of this section shall be allocated in the manner set out in Tennessee Code Annotated, Section 39-17-420. The remainder of any such fine collected shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

(4) The first one hundred dollars (\$100) of any fine collected pursuant to subsection (b)(4) of this section shall be allocated in the manner set out in Tennessee Code Annotated, Section 39-17-420. The remainder of any such fine collected shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

(5) The first one hundred and fifty dollars (\$150) of any fine collected pursuant to subsection (b)(5) of this section shall be allocated in the manner set out in Tennessee Code Annotated, Section 39-17-420. The remainder of any such fine collected shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

(6) The first two hundred dollars (\$200) of any fine collected pursuant to subsection (b)(6) of this section shall be allocated in the manner set out in Tennessee Code Annotated, Section 39-17-420. The remainder of any such fine collected shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

(7) The first one thousand dollars (\$1,000) of any fine collected pursuant to subsection (b)(7) of this section shall be allocated in the manner set out in Tennessee Code Annotated, Section 39-17-420. The remainder of any such fine collected shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

(8) The first one thousand five hundred dollars (\$1,500) of any fine collected pursuant to subsection (b)(8) of this section shall be allocated in the manner set out in Tennessee Code Annotated, Section 39-17-420. The remainder of any such fine collected shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

(9) The first two thousand dollars (\$2,000) of any fine collected pursuant to subsection (b)(9) of this section shall be allocated in the manner set out in Tennessee Code Annotated, Section 39-17-420. The remainder of any such fine collected shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

FURTHER AMEND by inserting between the words and punctuation "is indigent," and the words "the minimum" in the first sentence of subsection (e) of the amendatory language of Section \_\_\_ of SECTION 1 of the printed bill the words "or that payment of the minimum fine would result in a severe economic hardship, or such fine would otherwise not be in the interests of justice,".

FURTHER AMEND by deleting the period at the end of the second sentence of subsection (e) of the amendatory language of

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Section \_\_\_\_ of SECTION 1 of the printed bill and substituting instead the words and punctuation "unless the judge determines that one (1) of the conditions set out in the first sentence of this subsection exists."

**Senate Amendment No. 18**

AMEND House Bill No. 2037 by adding the following language as a new, appropriately designated section immediately preceding the effective date section, and by renumbering the effective date section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following language as a new, appropriately designated section:

SECTION \_\_\_\_ The sheriff's department shall be accountable to the county legislative body and the municipal law enforcement department shall be accountable to the municipal legislative body for the proper disposition of the proceeds of goods seized and forfeited under the provisions of § 53-11-409 and for the fines imposed under the provisions of Section 1 of this act. An annual audited report of such funds shall be submitted by the sheriff or the proper official of the municipal law enforcement department to the respective local legislative body. In those years when the comptroller's office conducts an audit, if any, such audit shall satisfy this requirement. If no audit is conducted by the comptroller's office, then an audit shall be performed by a certified public accountant to satisfy this requirement.

**Senate Amendment No. 24**

AMEND House Bill No. 2037 by deleting from subsection (b)(1) of Section \_\_\_\_ of SECTION 1 the figures "500.00" and substituting instead the figures "250.00".

AND FURTHER AMEND by deleting from subsection (b)(2) of Section \_\_\_\_ of SECTION 1 the figures "750.00" and substituting instead the figures "500.00".

AND FURTHER AMEND by deleting from subsection (b)(3) of Section \_\_\_\_ of SECTION 1 the figures "1,000.00" and substituting instead the figures "750.00".

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. C. Turner (Shelby) moved that the House concur in Senate Amendment(s) No(s). 12, 16, 18 and 24 to House Bill No. 2037, which motion prevailed by the following vote:

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Ayes. . . . .	88
Noes. . . . .	5
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representatives voting no were: Callicott, Haun, Holt, Moore (Shelby), Ussery -- 5.

Representatives present and not voting were: Bragg, Whitson -- 2.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

House Bill No. 2092 -- Personal Property -- Allows certain persons to file certain claims for drug act confiscated property under certain conditions. Amends TCA, Title 12, Ch. 2, Pt. 2, 53-11-201, 57-9-202, 67-4-1021, 70-6-204.

**Senate Amendment No. 3**

Amend House Bill No. 2092 by deleting from the amendatory language of Sections 1, 2, 3, and 4, as amended, the words "as the result of conduct constituting a felony," wherever they appear, and by substituting instead the words "after being arrested for, or charged with any felony,".

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 2092, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross,



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Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the motion to concur on House Bill No. 2092 and have this statement entered in the Journal.

Rep. Larry Turner

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE AMENDMENTS**

House Bill No. 2219 -- Obscenity and Pornography -- Revises law relative to obscenity. Amends TCA, Titles 29, 39.

**Senate Amendment No. 27**

AMEND House Bill No. 2219 by deleting subsection (c) of Section 39-17-1004 of the amendatory language of Section 7, as such subsection is amended by House Amendment No. 1, as amended, in its entirety and substituting instead the following:

(c) A violation of this section is a Class C felony.

AND FURTHER AMEND by designating the existing language in Section 39-17-1004(a)(b) and (c) of the amendatory language of Section 7, as such section is amended by House Amendment No. 1, as amended, as subsection (a)(1), (a)(2), and (a)(3) and creating a new subsection (b) as follows:

(b)(1) It is unlawful for a person to knowingly promote, sell, distribute, transport, purchase or exchange material which is obscene, as defined in Section 39-17-901(6), or possess with the intent to promote, sell, distribute, transport, purchase or exchange such material, which includes a minor engaged in:

(A) sexual activity; or

(B) simulated sexual activity that is patently offensive.

(2) In a prosecution under this section, the trier of fact may infer that a participant is a minor if the material through its title, text, visual representation or otherwise represents or depicts the participant as a minor.

(3) Violation of the section is a Class B felony.

AND FURTHER AMEND by deleting from subdivision (1) of subsection (b) of Section 39-17-914 of the amendatory language of Section 5, as such subdivision is amended by House Amendment No. 1, as amended, the words "Visual depictions harmful to minors on the cover or package are" and substituting instead the words "The material is".

AND FURTHER AMEND by deleting item (C) of subdivision (1) of subsection (b) of Section 39-17-914 of Section 5, as such subdivision is amended by House Amendment No. 1, as amended, and substituting instead a new item (C) as follows:

(C) Reasonable steps are taken to prevent minors from perusing the material; or

AND FURTHER AMEND by deleting subdivision (2) of subsection (b) of Section 39-17-914 of the amendatory language of Section 5, as such subdivision is amended by House Amendment No. 1, as amended, and substituting instead a new subdivision (2) as follows:

(2) The material is sealed and if it contains material on its cover which is harmful to minors it must also be opaquely wrapped; or

AND FURTHER AMEND by deleting subdivision (4) of subsection (b) of Section 39-17-914 of the amendatory language of Section 5, as such subdivision is amended by House Amendment No. 1, as amended, and inserting instead a new subdivision (4) as follows:

(4) The material is located so that the material is not open to view by minors and is located in an area restricted to adults.

AND FURTHER AMEND by adding a new subdivision of subsection (b) of Section 39-17-914 of Section 5, as such section is amended by House Amendment No. 1, as amended, to be appropriately designated, as follows:

(5) Unless its cover contains material which is harmful to minors, a video cassette tape or film is not considered displayed if it is in a form that cannot be viewed without electrical or mechanical equipment and such

equipment is not being used to produce a visual depiction.

AND FURTHER AMEND by inserting the words "Taken as whole" before the words "Lacks serious literary" in subdivision (C) of subsection ( ), which defines the phrase "harmful to minors", of Section 3, as such section is amended by House Amendment No. 1, as amended.

**Senate Amendment No. 4 to Amendment No. 27**

Amend House Bill No. 2219 by adding the following new subdivision to subsection (b) of Section 39-17-914:

(6) In a situation if the minor is accompanied by a parent or guardian.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Naifeh moved that the House concur in Senate Amendment(s) No(s). 27, as amended, to House Bill No. 2219, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	4
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representatives voting no were: Cole, Head, Robinson (Washington), Turner, L. (Shelby) -- 4.

Representatives present and not voting were: Bragg -- 1.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a

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desire to change my original stand from no to aye on the motion to concur in Senate Amendment No. 27, as amended, to House Bill No. 2219 and have this statement entered in the Journal.

Rep. Ralph Cole

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2310 -- Drugs --** Regulates and controls distribution, sale and use of anabolic steroids. Amends TCA, Title 39, Ch. 6, Pt. 4.

**Senate Amendment No. 3**

House Bill No. 2310 is amended by changing the effective date to January 1, 1991.

Rep. Herron moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 2310, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duér, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2347 -- Fiduciaries --** Restricts fiduciaries and registration of certain security trusts. Amends TCA, Title 66.

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Senate Amendment No. 1

AMEND House Bill No. 2347 by adding the following language and punctuation to the beginning of the first sentence of the amendatory language of Section 1(b):

Except as provided in subsection (e),

AND FURTHER AMEND by adding a new subsection to Section 1 as follows:

(e) The provisions of this section shall not apply to any person who is the spouse, parent, child, grandchild, brother or sister of the person conveying, transferring, encumbering or pledging title to real or personal property wholly situated in this state to secure the payment of money or the performance of an obligation.

Senate Amendment No. 2

AMEND House Bill No. 2347 by deleting in the first sentence of Section 1(b) the language "resident of this state" and by substituting instead the language "resident of this state or whose principal place of employment is not in this state".

Senate Amendment No. 3

AMEND House Bill No. 2347 by changing the period at the end of the amendatory language of paragraph (a) of Section 1 to a semicolon, and by adding thereafter the following language and punctuation:

nor shall such provisions apply to the creation, maintenance, or administration of such a trust authorized or required by federal law or regulation relating to the governance, administration, or regulation of a financial institution.

AND FURTHER AMEND by deleting Section 2 in its entirety, and by substituting therefor the following:

Section 2. This act shall take effect on July 1, 1990, the public welfare requiring it.

Rep. Holcomb moved that the House concur in Senate Amendment(s) No(s). 1, 2 and 3 to House Bill No. 2347, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain,

Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 99.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

\*House Bill No. 2452 -- Financial Disclosure -- Expands scope of definition of contribution. Amends TCA, Title 2, Ch. 10.

#### Senate Amendment No. 1

AMEND House Bill No. 2452 by adding the following language as new, appropriately designated sections immediately preceding the effective date section, and by renumbering the effective date section accordingly:

SECTION \_\_\_\_\_. The provisions of Sections 1 and 2 of this act shall not apply to any county executive committee that has annual receipts and expenditures of less than ten thousand dollars (\$10,000).

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 2-10-111(a), is amended by deleting the language "2-10-103(a)(4)", and by substituting instead the language "2-10-206(3)".

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2452, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent,

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Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2507 -- Lobbying, Lobbyists -- Requires report for disclosure of certain clients. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6.

#### Senate Amendment No. 3

AMEND House Bill No. 2507 by adding the following sections, appropriately numbered

SECTION \_\_\_\_ Tennessee Code Annotated, Section 3-6-102, is amended by deleting subsection (12) in its entirety and substituting instead the following:

(12) "Lobby" means to communicate, directly or indirectly, with any official in the legislative branch or executive branch, for pay or for any consideration, for the purpose of influencing any legislative action or administrative action.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 3-6-102, is amended by deleting subsection (13) in its entirety and substituting instead the following:

(13) "Lobbyist" means any person who engages in lobbying.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 3-6-110, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b) The Registry shall also be empowered to:

(1) Assess a civil penalty for the late filing of a registration or activity report of twenty-five dollars (\$25.00) per day up to a maximum of seven hundred fifty dollars (\$750.00). If a lobbyist wants to contest or seek a reduction of a civil penalty assessed under this subsection, the lobbyist shall file a petition with the Registry which shall be considered a contested case proceeding pursuant

to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5;

(2) Assess a civil penalty for any other violation of this chapter up to a maximum of ten thousand dollars (\$10,000.00) per violation. In assessing a civil penalty under this subsection, the Registry shall conduct a contested case hearing pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5; and

(3) Refer any willful or fraudulent violation of this chapter to the district attorney general of the district where the alleged violator is a resident for prosecution as a Class C misdemeanor.

Rep. Naifeh moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 2507, which motion prevailed by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

#### Senate Amendment No. 1

AMEND House Bill No. 2507 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 3, Chapter 6, is amended by adding the following as an appropriately numbered new section:



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Each organization which employs an a person registered as a lobbyist under the provisions of this chapter shall make available any membership list of such organization for any person to view during regular business hours.

Rep. Naifeh moved that the House nonconcur in Senate Amendment(s) No(s). 1 to House Bill No. 2507, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENTS

\*House Bill No. 2519 -- Consumer Protection -- Removes verbal communications as a necessary element for making certain unfair or deceptive acts or practices unlawful. Amends TCA 47-18-104.

#### Senate Amendment No. 2

Amend House Bill No. 2519 by adding the following language as Section 2, and renumbering the following sections accordingly:

Section 2. Tennessee Code Annotated, Section 47-18-104, is further amended by deleting the word "authorized" in the second sentence of subsection (f)(3) and substituting in lieu thereof the word "made".

Rep. C. Turner (Shelby) moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 2519, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

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HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2545 -- Assessors -- Revises procedures for property tax assessments. Amends TCA, Title 67, Ch. 1, Pts. 10, 11.

Senate Amendment No. 7

Amend House Bill No. 2545 by adding the following new section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

Rep. R. Jones moved that the House concur in Senate Amendment(s) No(s). 7 to House Bill No. 2545, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gale, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wittingham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives voting no were: Chiles, Gunnels, Stamps -- 3.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

\*House Bill No. 2587 -- Food and Food Products -- Revises listing of deleterious substances under the Food, Drug, and Cosmetic Act. Amends TCA, Title 53, Ch. 1.

Senate Amendment No. 2

AMEND House Bill No. 2587 by deleting all of the language after the enacting clause and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Title 53, Chapter 1, Part 1, is amended by adding the following new section:

Notwithstanding any provision of law or rule to the contrary, a food item, including but not limited to biscuits, sandwiches, salads, slaw, cookies, candy and other desserts, shall be exempt from the labelling requirements of this chapter if such food item is:

- (1) Made on site;
- (2) Sold on site; and
- (3) Made from products which are commercially available.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 3

Amend House Bill No. 2587 by deleting the amendatory language in Section 1 Part 2 (sold on site and) and by adding new language to Section 1 Part 2 "sold at retail to consumers on site; and

Rep. Wheeler moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to House Bill No. 2587, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

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HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1871 -- Firearms and Ammunition -- Revises criminal law concerning weapons. Amends TCA, Title 39, Ch. 17, Pt. 13.

Senate Amendment No. 2

AMEND House Bill No. 1871 by deleting SECTION 6 in its entirety and substituting instead the following:

SECTION 6. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting it in its entirety and substituting instead the following:

39-17-1307. Unlawful Carrying or Possession of a Weapon.

(a)(1) A person commits an offense who carries with the intent to go armed a firearm, knife with a blade length exceeding four (4) inches, or a club.

(2) An offense under subsection (a)(1) is a Class C misdemeanor, except it is a Class A misdemeanor if the person's carrying of a handgun occurred at a place open to the public where one (1) or more persons were present.

(b)(1) A person commits an offense who possesses a handgun and:

(A) has been convicted of a felony involving the use or attempted use of force, violence, or a deadly weapon; or

(B) has been convicted of a felony drug offense.

(2) An offense under subsection (b)(1) is a Class E felony.

(c)(1) A person commits an offense who possesses any deadly weapon with intent to employ it in the commission of or escape from an offense.

(2) An offense under subsection (c)(1) is a Class E felony.

AND FURTHER AMEND by deleting SECTION 7 in its entirety and substituting instead the following:

SECTION 7. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting it in its entirety and substituting instead the following:

39-17-1308. Defenses to Unlawful Possession or Carrying of a Weapon.

(a) It is a defense to the application of Section 39-17-1307 if the possession or carrying:

(1) Was of an unloaded rifle, shotgun, or handgun not concealed on or about the person and the ammunition for the weapon was not in the immediate vicinity of the person or weapon; or

(2) Was by a person authorized to possess or carry a firearm pursuant to Section 39-17-1315; or

(3) Was at the person's:

(A) Place of residence; or

(B) Place of business; or

(c) Premises; or

(4) Was incident to lawful hunting, trapping, fishing, camping, sport shooting, or other lawful activity; or

(5) Was by a person possessing a rifle or shotgun while engaged in the lawful protection of livestock from predatory animals; or

(6) Was by a Tennessee Valley Authority officer who holds a valid commission from the commissioner of safety pursuant to this act while such officer is in the performance of the officer's official duties; or

(7) Is a state, county or municipal judge or any federal judge or magistrate.

(b) The defenses described in this section are not available to persons described in Section 39-17-1307(b)(1).

AND IS FURTHER AMENDED by deleting SECTION 11 in its entirety and substituting instead the following:

SECTION 11. Tennessee Code Annotated, Section 39-13-1302(d), is amended by deleting the current subsection (d) and substituting in its place the following new subsection:

(d) An offense under subsections (a)(1) - (a)(5) is a Class E felony; and an offense under subsection (a)(6) or (a)(7) is a Class A misdemeanor.

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AND IS FURTHER AMENDED by adding the following new section to be designated as SECTION 12:

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Burnett moved that the House nonconcur in Senate Amendment(s) No(s). 2 to House Bill No. 1871, which motion prevailed.

#### MOTION

Rep. Bragg moved to reset Senate Bill No. 2392 (Appropriations Bill) as a special order to the fifth place on the Regular Calendar, which motion prevailed.

#### MESSAGE CALENDAR, CONTINUED

#### HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2646 -- Clarksville -- Removes prohibition of officer or employee continuing employment after nomination or election to public office. Amends Chapter 292, Private Acts of 1957.

#### Senate Amendment No. 1

AMEND House Bill No. 2646 by deleting all language following the enacting clause and substituting instead the following new language:

SECTION 1. Article II of Chapter 292 of the Private Acts of 1957, as amended by Chapter 249 of the Private Acts of 1961, Chapter 158 of the Private Acts of 1965, Chapter 377 of the Private Acts of 1967, and any other acts amendatory thereto is further amended by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Be it further enacted, That the city of Clarksville shall be divided into six (6) wards for the purpose of electing six (6) persons for the office of alderman. Prior to the 1990 November election, the City Council shall by ordinance divide the city into six (6) wards to apportion the City Council so that the Aldermen elected from wards shall represent substantially equal populations. The City Council shall reapportion in 1992 and may reapportion at any time thereafter if it deems such action necessary to maintain substantially equal representation based on population. The City Council shall use the latest federal census data whenever a reapportionment is made. Wards shall be reasonably compact and contiguous. A map of such wards shall be stored with the office of city clerk. Commencing with the

November, 1990 election there shall be a total of twelve (12) aldermen. After the period of transition from present law, there shall be one (1) alderman elected from each ward who is a resident of such ward and such alderman shall be selected by the qualified voters of such ward and there shall be elected one (1) aldermen from each ward who shall be elected at large by the qualified voters of the entire city. No more than two (2) alderman shall reside in any ward. The county election commission of Montgomery County, or such other person or persons as may be authorized to hold state and county elections, shall hold an election at the voting places in the city on the first Tuesday after the first Monday in November and each even numbered year thereafter to fill all vacancies on the City Council and the mayor. At the election occurring on the first Tuesday in November, 1990, there shall be elected by the qualified voters of the entire city a mayor elected for a term of four (4) years beginning the following January 1st and until his successor is elected and qualified. At the November, 1990 election for aldermen, six (6) persons shall be elected for a term of four (4) years. At the November, 1992 election for aldermen, six (6) aldermen shall be elected for a term of four (4) years. Thereafter, except as otherwise set out, as the terms of office of each alderman and mayor expire, the successors thereto shall be elected for terms of four (4) years. The candidate receiving the highest number of votes for mayor, and the candidates, one (1) from each ward, receiving the highest number of votes for alderman of such ward, and the six (6) candidates receiving the highest number of votes for alderman at large, shall be taken duly elected, subject each to a contest before the city council.

Prior to the November, 1990 election, the City Council by ordinance shall establish the six (6) wards and designate the offices of alderman which shall be filled in the 1990 November election. Such alderman may be elected at large or from specific wards as the ordinance so provides.

SECTION 2. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

SECTION 3. This act shall have no effect unless it is approved by a majority of the number of qualified voters of the City of Clarksville voting in an election on the question of whether or not the act should be approved. The ballots used in the next general election shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on

the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, as provided in Section 3, it shall be effective only upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Rep. Head moved the previous question, which was objected to, but which motion prevailed.

Rep. Ussery moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2646, which motion prevailed by the following vote:

Ayes	78
Noes	10
Present and not voting	2

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Burnett, Byrd, Chiles, Clark, Coffey, Cole, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 78.

Representatives voting no were: Cain, DeBerry, Dixon, Jones, R. (Shelby), Jones, U. (Shelby), Phillips, Pruitt, Robinson (Hamilton), Stallings, Turner L. (Shelby) -- 10.

Representatives present and not voting were: Crain, Herron -- 2.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1868 -- Sentencing -- Revises Criminal Sentencing Reform Act of 1989. Amends Chapter 591, Section 113, Public Acts of



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1989. CAVEAT: The body of this bill (Section 16) purports to amend TCA 39-16-609; however, the caption does not. Amends TCA, Titles 39, 40, 53, 55.

**Senate Amendment No. 1**

Amend House Bill No. 1868 by deleting the original Section 18 in its entirety.

**Senate Amendment No. 7**

Amend House Bill No. 1868 by adding the following new subsection to the amendatory language of SECTION 18:

(e) Unless a law enforcement officer has probable cause to believe that an offense has been committed, no such officer, except members of the Tennessee highway patrol acting pursuant to Tennessee Code Annotated, Section 4-7-104, shall have the authority to stop a motor vehicle for the sole purpose of examining or checking the operators license of the driver of such vehicle.

**Senate Amendment No. 8**

Amend House Bill 1868 by deleting from the amendatory language of Section 6 the words and punctuation "by a person eighteen (18) years of age or older,"

**Senate Amendment No. 9**

Amend House Bill No. 1868 by deleting Section 35 in its entirety.

**Senate Amendment No. 10**

Amend House Bill No. 1868 by deleting the amendatory language of SECTION 36 in its entirety and substituting instead the following:

(b) Violation of subsection (a) for the first time is a Class A misdemeanor. A second or subsequent violation of subsection (a) is a Class E felony, with suspension of driving privileges for a period of not less than one (1) year nor more than five (5) years, or for a period of time commensurate with the sentence imposed.

**Senate Amendment No. 11**

Amend House Bill No. 1868 by deleting the amendatory language of SECTION 13 in its entirety and substituting instead the following:

(b)(1) A violation of this section is a Class D felony.

(2) Notwithstanding the provisions of Tennessee Code Annotated, Section 40-35-111, relative to the authorized fine for a Class D felony, the authorized fine for a violation of this section shall be as follows:

(A) For a violation involving a Schedule I or II controlled substance.....\$100,000;

(B) For a violation involving a Schedule III or IV controlled substance.....\$50,000;

(C) For a violation involving a Schedule V or VI controlled substance.....\$5,000;

(D) For a violation involving a Schedule VII controlled substance.....\$1,000;

(E) For any other violation of this section not involving a scheduled controlled substance....\$20,000.

(3) Nothing contained in this section shall preclude a prosecution under the general drug laws.

**Senate Amendment No. 12**

Amend House Bill No. 1868 by deleting the amendatory language of SECTION 14 in its entirety and substituting instead the following:

(b)(1) A violation of this section is a Class D felony.

(2) Notwithstanding the provisions of Tennessee Code Annotated, Section 40-35-111, relative to the authorized fine for a Class D felony, the authorized fine for a violation of this section shall be as follows:

(A) For a violation involving a Schedule I or II controlled substance.....\$100,000;

(B) For a violation involving a Schedule III or IV controlled substance.....\$50,000;

(C) For a violation involving a Schedule V or VI controlled substance.....\$5,000;

(D) For a violation involving a Schedule VII controlled substance.....\$1,000;

(E) For any other violation of this section not involving a scheduled controlled substance..\$20,000.

(3) Nothing contained in this section shall preclude a prosecution under the general drug laws.

Senate Amendment No. 14

Amend House Bill No. 1868 by adding the following language as a new section immediately following Section 17 of the original bill and by renumbering subsequent sections accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 40-7-103, is amended by designating the current language as subsection "(a)" and by adding the following language, to be designated as subsection "(b)":

(b) Unless a law enforcement officer has probable cause to believe that an offense has been committed, no such officer, except members of the Tennessee highway patrol acting pursuant to Tennessee Code Annotated, Section 4-7-104, shall have the authority to stop a motor vehicle for the sole purpose of examining or checking the operators license of the driver of such vehicle.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1, 7, 8, 9, 10, 11, 12 and 14 to House Bill No. 1868, which motion prevailed by the following vote:

Ayes . . . . .	90
Noes . . . . .	2
Present and not voting . . . . .	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives voting no were: Chiles, Moody -- 2.

Representatives present and not voting were: Holcomb, Hubbard, McAfee -- 3.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Buck moved to lift from the table the motion to reconsider House Bill No. 1868, which motion prevailed.

**House Bill No. 1868 -- Sentencing -- Revises Criminal Sentencing Reform Act of 1989. Amends Chapter 591, Section 113, Public Acts of 1989. CAVEAT: The body of this bill (Section 16) purports to amend TCA 39-16-609; however, the caption does not. Amends TCA, Titles 39, 40, 53, 55.**

Rep. Buck moved the House reconsider its action in concurring in the Senate Amendments to House Bill No. 1868, which motion prevailed.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1, 8, 9, 10, 11, 12 and 14 to House Bill No. 1868, which motion prevailed by the following vote:

Ayes. . . . .	89
Noes. . . . .	5
Present and not voting. . . . .	4

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odum, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

Representatives voting no were: Chiles, Head, Moody, Scruggs, Turner, L. (Shelby) -- 5.

Representatives present and not voting were: Holcomb, Hubbard, McAfee, Wix -- 4.

A motion to reconsider was tabled.

Rep. Buck moved that the House nonconcur in Senate Amendment(s) No(s). 7 to House Bill No. 1868, which motion prevailed.

RULES SUSPENDED

Rep. Naifeh moved to suspend Rule No. 12 to take up Unfinished Business out of order, which motion prevailed.

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**MOTION**

Rep. Naifeh moved that all non-congratulatory resolutions lying on the Clerk's Desk be introduced and placed on a special calendar for this afternoon, which motion prevailed.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Naifeh moved that the rules be suspended for the purpose of immediate consideration of House Resolution No. 171 out of order, which motion prevailed.

\*House Resolution No. 0171 -- House of Representatives -- Adopts Ethics Code for House of Representatives.

Rep. Naifeh moved that House Resolution No. 171 be adopted.

Rep. Chiles moved to amend as follows:

**Amendment No. 1**

Amend House Resolution No. 171 by deleting from the first sentence of Article IV, Section 1(a) the language "two (2) members of the minority party" and by substituting instead the language "three (3) members of the minority party".

Rep. Kisber moved to amend as follows:

**Amendment No. 1 to Amendment No. 1**

Amend House Resolution No. 171 by adding at the end of the first sentence of Article IV, Section 1(a), as amended, the following:

The speaker shall appoint the chairman of the committee.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Chiles moved that Amendment No. 1, as amended, be adopted, which motion prevailed.

Rep. Kisber moved to amend as follows:

**Amendment No. 2**

AMEND House Resolution No. 171 by deleting from Article IV, Section 6, in the second sentence the word "this" and by substituting instead the words "the member's".

AND FURTHER AMEND by deleting from Article IV, Section 6,

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the third sentence in its entirety.

On motion, Amendment No. 2 was adopted.

Rep. Henry (Roane) moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Moore (Shelby) moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Naifeh moved that House Resolution No. 171, as amended, be adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. Naifeh moved that House Resolution No. 171, as amended, be adopted, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Kent moved to lift from the table the motion to reconsider Senate Bill No. 1870, which motion prevailed.

**Senate Bill No. 1870 -- Correctional Programs --** Sets time for work release. Amends TCA, Titles 41, 55.

Rep. Kent moved to reconsider action in passing Senate Bill No. 1870, which motion prevailed.

Rep. Kent moved to amend as follows:

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Amendment No. 2

AMEND Senate Bill No. 1870 by deleting subdivision (c)(3) of Section 1 in its entirety and by substituting instead the following:

(c)(3) The defendant agrees to defray to the best of his ability the cost of incarceration and treatment.

AND FURTHER AMEND by deleting from subsection (c) of Section 1 the following:

The judge shall at the time of sentencing cause the sentencing order to reflect the defendant's cost of incarceration and treatment and shall affix to such order the precise time and manner in which such costs are to be paid. The court shall enter an order requiring that the costs of incarceration and treatment be paid or secured prior to the discharge of the defendant.

and by substituting instead the following:

The judge shall at the time of sentencing cause the sentencing order to reflect the defendant's cost of incarceration and treatment and shall affix to such order taking into consideration the defendant's ability to pay, the time and manner in which such costs are to be paid. The court shall enter the necessary orders requiring that the costs of incarceration and treatment be paid or secured including, but not limited to, orders of probation which include as a condition thereof the payment of costs covered by this provision. When a defendant alleges that he is unable to pay pursuant to the terms set out by the order, he may petition the court for a modification as to the terms of payment. When it is determined that a defendant is unable to pay the entirety of the costs covered by this provision in the time and manner imposed by the court, any costs imposed against the defendant shall be pursuant to a schedule promulgated by the chief administrative officer of the county with such schedule to be based upon the defendant's ability to pay the same. In promulgating the schedule governing costs and the amount thereof to be paid by the defendant, the chief administrative officer of the county shall consider the defendant's ability to pay and the disbursement schedule set forth in Tennessee Code Annotated, Section 41-2-129 and shall incorporate payments ordered herein into such schedule. In no event shall a person be denied access to this program or be denied discharge from incarceration as a result of that person's inability to pay.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Kent moved that Senate Bill No. 1870, as

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amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Good, Gunnels, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representatives voting no were: Halteman, Stamps, West -- 3.

A motion to reconsider was tabled.

#### **BILL RECALLED**

Rep. Love moved that the rules be suspended for the purpose of recalling Senate Joint Resolution No. 505 from the State and Local Government Committee for placement on the special resolutions calendar, which motion prevailed.

#### **RULES SUSPENDED**

Rep. C. Turner (Shelby) moved to suspend Rule No. 81(1) relative to the time for placing bills on notice in Committee so that House Bill No. 2695 can be heard by the Labor and Consumer Affairs Committee in a special meeting today, which motion prevailed.

#### **BILL RECALLED**

Rep. Armstrong moved that the rules be suspended for the purpose of recalling House Joint Resolution No. 727 from the Education Committee for placement on the special resolutions calendar, which motion prevailed.

#### **ANNOUNCEMENT**

The Speaker announced that he had appointed Rep. U. A. Moore (Shelby) as a member of the House Ethics Committee.



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REGULAR CALENDAR

\*House Bill No. 1805 -- Evidence -- Revises evidence standard for medical expenses in civil actions. Amends TCA 24-5-113.

Further consideration of House Bill No. 1805, previously considered on April 9 and 11, 1990, it was reset to the Calendar for April 12, 1990.

Rep. Buck moved that House Bill No. 1805 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2360 -- Salaries and Benefits -- Increases maximum benefit under longevity pay program. Amends TCA 8-23-206.

Further consideration of House Bill No. 2360, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Naifeh moved that House Bill No. 2360 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2360 by deleting in the amendatory language of Section 1 the period at the end of the first sentence and substituting instead the following:

; provided, however, that subsequent to the 1989-1990 fiscal year, the increase in the maximum level of benefits is contingent upon funds being specifically allocated for that purpose in the general appropriation act.

On motion, Amendment No. 1 was adopted.

Rep. Naifeh moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2360 by adding the following language between the first and second sentences of the amendatory language of Section 1:

Provided, further, that it is the legislative intentions that each year that such funds are so appropriated such appropriation shall be recurring.

On motion, Amendment No. 2 was adopted.

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Thereupon, Rep. Naifeh moved that House Bill No. 2360, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray

-- 94.

A motion to reconsider was tabled.

House Bill No. 2533 -- Grand Juries -- Authorizes convening of special investigative grand jury under certain circumstances. Amends TCA, Title 40, Ch. 12.

Further consideration of House Bill No. 2533, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Purcell moved that House Bill No. 2533 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2533 by deleting Section 40-12-217 of SECTION 1 in its entirety and substituting instead the following:

Section 40-12-217. When a grand jury convened pursuant to this part has completed its investigation, the district attorney shall promptly file a notice of dissolution with the clerk of the court wherein the petition seeking its empanelling was filed. Upon the filing of such notice the functions of the grand jury shall cease and it shall be considered dissolved. However, in no event, except as provided herein, shall a grand jury convened pursuant to this part remain impanelled for a period of time to exceed six (6) months from the day it is

sworn. Should a period of time exceeding six (6) months be necessary for the grand jury to complete its work, the district attorney may file an application with the committee described in Section 40-12-2011 of this part requesting permission to petition the empanelling judge for an extension of the grand jury for a period of time not to exceed six (6) months from the date such petition is granted. The application shall specify why additional time is necessary for the completion of the investigation. If the committee unanimously agrees that an extension of time is necessary, it shall grant written consent to petition the empanelling judge for an extension of the grand jury for the period requested. Such written consent shall accompany the petition to the empanelling judge who shall grant the petition if he or she finds an extension of time to be necessary for the grand jury to complete its investigation. No more than two (2) six (6) month extensions may be obtained pursuant to this section.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

Amend House Bill No. 2533 by deleting from the first sentence of Section 40-12-201 of SECTION 1 the words "whenever a district attorney" and substituting instead the words and punctuation "whenever a district attorney, within his respective jurisdiction,".

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

**Amendment No. 3**

Amend House Bill No. 2533 by inserting the following between the first and second sentences of Section 40-12-201 of SECTION 1:

The attorney general shall appoint a district attorney from each grand division of the state to serve as potential members of such committee and shall notify the executive secretary of the district attorneys general conference of such appointments. The attorney general shall reappoint such district attorneys as from time to time may be necessary. When an application for an investigative grand jury is made by the attorney general pursuant to this part, such executive secretary shall designate one (1) or more of the district attorneys appointed by the attorney general to serve on the committee. If such application is made by a

district attorney, the executive secretary shall designate either two (2) of the district attorneys appointed by the attorney general to serve on the committee or shall designate one (1) of such district attorneys and the district attorney making the application. Provided, however, the district attorney or attorneys so designated to serve on the committee shall not reside in the same grand division as the county wherein the grand jury would be seated.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Purcell moved that House Bill No. 2533, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

#### RULES SUSPENDED

Rep. King moved to suspend the rules to set a special order for immediate consideration of House Joint Resolution No. 811 (placed further down on today's calendar), which motion prevailed.

\*House Joint Resolution No. 0811 -- Memorials, Government Officials -- Authorizes commissioners of Goodwyn Institute to request attorney general to file suit to alter trust regarding maintaining of library. by \*King.

On motion, House Joint Resolution No. 811 was adopted.

A motion to reconsider was tabled.

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MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill No. 2308, substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.  
Chief Clerk.

MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill No. 1619, substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.  
Chief Clerk.

MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill No. 2166.

The Senate lifted the tabling motion; reconsidered passage of the bill; reconsidered adoption of Amendment No. 1; withdrew Amendment No. 1; adopted Amendment No. 2; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.  
Chief Clerk.

REGULAR CALENDAR, CONTINUED

House Bill No. 1943 -- Fees -- Increases certain sheriff's fees and fees for blood alcohol tests in certain counties. Amends TCA 8-21-901, 55-10-403.

Further consideration of House Bill No. 1943, previously considered on April 11, 1990, at which time it was placed on the Calendar for April 12, 1990.

Rep. Cain moved that House Bill No. 1943 be re-referred to the Calendar and Rules Committee, which motion prevailed.

\*House Bill No. 1140 -- Motor Vehicles -- Revises time limit for motor vehicle dealers to report changes in labor rates to motor vehicle commission. Amends TCA, Titles 39, 47, 55.

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Further consideration of House Bill No. 1140, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Cain moved that House Bill No. 1140 be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 2003 -- Hospitals and Health Care Facilities --** Revises certain requirements relative to transportation of certain patients. Amends TCA 68-39-509.

Further consideration of House Bill No. 2003, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 2003 was made to conform with Senate Bill No. 1642.

On motion, Senate Bill No. 1642, on same subject, was substituted for House Bill No. 2003.

Rep. Davis (Cocke) moved that Senate Bill No. 1642 be passed on third and final consideration.

Rep. Starnes moved adoption of General Welfare Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 1642 by deleting the language of Section 2 in its entirety and substituting therefor:

"Volunteer Rescue Squads may transport patients without such personnel if the transportation is made under such conditions and circumstances as set forth by the board in rules. The board is hereby authorized and directed to promulgate rules governing such transports by Volunteer Rescue Squads."

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davis (Cocke) moved that Senate Bill No. 1642, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good,

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Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Bill No. 2682 -- Robertson County -- Levies hotel motel tax.

Further consideration of House Bill No. 2682, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 2682 was made to conform with Senate Bill No. 2710.

On motion, Senate Bill No. 2710, on same subject, was substituted for House Bill No. 2682.

Rep. Davidson moved that Senate Bill No. 2710 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

House Bill No. 1159 -- Motor Vehicles, Titling and Registration

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-- Authorizes special license plates for "street rods". Amends TCA, Title 55, Ch. 4, Pt. 2.

Further consideration of House Bill No. 1159, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 1159 was made to conform with Senate Bill No. 1254.

On motion, Senate Bill No. 1254, on same subject, was substituted for House Bill No. 1159.

Rep. Davis (Cocke) moved that Senate Bill No. 1254 be passed on third and final consideration.

On motion, Rep. Napier withdrew Transportation Committee Amendment No. 1.

Rep. Davis (Cocke) moved that Senate Bill No. 1254 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**BILL RECALLED**

Rep. Collier moved that the rules be suspended for the purpose of recalling House Joint Resolution No. 886 from the Calendar and Rules Committee for placement on the special resolutions calendar, which motion prevailed.



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REGULAR CALENDAR, CONTINUED

House Bill No. 1987 -- Game and Fish Laws -- Repeals hunting and fishing fee for persons 65 years of age or older. Amends TCA, Title 70, Ch. 2, Pt. 2.

Further consideration of House Bill No. 1987, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Duer moved that House Bill No. 1987 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1987 by deleting the amendatory language of Section 2 in its entirety and by substituting instead the following:

(c)(1) Residents of Tennessee who are sixty-five (65) years of age or older prior to March 1, 1991 shall be entitled to the privileges of sport fishing, hunting and trapping without possessing any license.

(2) Residents of Tennessee who are sixty-five (65) years of age or older after March 1, 1991 shall be entitled to the privileges of sport fishing, hunting and trapping upon payment of a one-time ten dollar (\$10.00) fee. Upon payment of such fee and presentation of proof of age and residency, satisfactory to the agency, such resident shall be issued a permanent license for sport fishing, hunting and trapping.

On motion, Amendment No. 1 was adopted.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1987 by deleting the last section in its entirety and by substituting instead the following:

This act shall take effect March 1, 1991, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Duer moved that House Bill No. 1987, as amended,

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be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

\*House Bill No. 2654 -- Surveyors -- Requires certificates of registration as a land surveyor to be issued to certain persons. Amends TCA, Title 62, Ch. 18.

Further consideration of House Bill No. 2654, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Duer moved that House Bill No. 2654 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2232 -- Gambling -- Includes futures and commodities trading within "lawful business transaction" exclusion to gambling laws. Amends TCA, Title 39, Ch. 17, Pt. 5.

On motion, House Bill No. 2232 was made to conform with Senate Bill No. 2367.

On motion, Senate Bill No. 2367, on same subject, was substituted for House Bill No. 2232.

Rep. Davis (Cocke) moved that Senate Bill No. 2367 be passed on third and final consideration.

Rep. Phillips moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Moore (Shelby) moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 2367 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 39-17-508, is amended by deleting the section, including the catchline, in its entirety and substituting instead the following:

39-17-508. Exemptions for premiums at fairs and prizes under \$10.00

(a) It shall be lawful and shall not violate this part for a person, upon complying with the rules of public fairs, to enter and contend for any and all such premiums, as provided for in Tennessee Code Annotated, Title 43, Chapter 21, which may be offered at such fairs.

(b) It shall be lawful and shall not violate this part for a person to offer or to receive in connection with any game a prize consisting of merchandise, or tokens or coupons that may be exchanged for merchandise, provided the value of such merchandise does not exceed ten dollars (\$10.00).

Rep. Buck moved that Amendment No. 1 be tabled, which motion prevailed.

Rep. Buck moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Moody moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Davis (Cocke) moved that Senate Bill No. 2367 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Davis (Cocke) moved that Senate Bill No. 2367 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	58
Noes. . . . .	34
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Buck, Burnett, Cain, Chiles, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox),

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DePriest, Dixon, Gaia, Givens, Good, Gunnels, Haun, Head, Herron, Hillis, Holcomb, Hubbard, Huskey, Jones, U. (Shelby), Kernell, King, Kisber, Love, McDaniel, Moody, Napier, Niceley, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Sipes, Starnes, Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Wix, Wood, Yelton, Mr. Speaker Murray -- 58.

Representatives voting no were: Austin, Bell, Bragg, Burchfield, Byrd, Clark, Coffey, Duer, Garrett, Halteman, Harrill, Hassell, Henry (Roane), Hobbs, Holt, Jackson, Kent, McAfee, Moore (Lawrence), Moore (Shelby), Naifeh, Odom, Peroulas, Pinion, Purcell, Robinson (Davidson), Shirley, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), West, Winningham, Wolfe -- 34.

Representatives present and not voting were: Henry (Putnam), Robinson (Hamilton) -- 2.

A motion to reconsider was tabled.

**CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to yes on Senate Bill No. 2367 and have this statement entered in the Journal.

Rep. Clint Callicott

**BILL RECALLED**

Rep. Hobbs moved that the rules be suspended for the purpose of recalling House Joint Resolution No. 708 from the Calendar and Rules Committee for placement on the special resolutions calendar, which motion prevailed.

**BILL RECALLED**

Rep. Starnes moved that the rules be suspended for the purpose of recalling Senate Joint Resolution No. 484 from the Calendar and Rules Committee for placement on the special resolutions calendar, which motion prevailed.

**BILL RECALLED**

Rep. Bragg moved that the rules be suspended for the purpose of recalling House Joint Resolution No. 906 from the Calendar and Rules Committee for placement on the special resolutions calendar, which motion prevailed.

BILL RECALLED

Rep. Herron moved that the rules be suspended for the purpose of recalling House Joint Resolution No. 838 from the Calendar and Rules Committee for placement on the special resolutions calendar, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 1993 -- Children -- Redefines definition of "abandoned children". Amends TCA, Titles 36, 37, 71.

Further consideration of House Bill No. 1993, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Duer moved that House Bill No. 1993 be passed on third and final consideration.

Rep. Starnes moved adoption of General Welfare Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1993 by deleting the amendatory language of Section 1 and by substituting instead the following:

( ) (i) For purposes of this subsection, "willfully failed to visit" and "willful failure to visit" shall be the willful failure, over four (4) consecutive months, to visit or to engage in more than token visitation.

(ii) For purposes of this subsection, "token visitation" shall mean visitation which, under the circumstances of the individual case, constitutes nothing more than perfunctory visitation merely to establish minimal contact.

AND FURTHER AMEND by deleting the amendatory language of Section 2 and by substituting instead the following:

( ) (i) When used in this subsection, "willfully failed to visit" means the willful failure, over four (4) consecutive months, to visit or to engage in more than token visitation.

(ii) When used in this subsection, "token visitation" means visitation which, under the circumstances of the individual case, constitutes nothing more than perfunctory visitation merely to establish minimal contact.

On motion, Amendment No. 1 was adopted.

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Thereupon, Rep. Duer moved that House Bill No. 1993, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Usery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

\*House Bill No. 2687 -- Bond Issues -- Authorizes \$65 million bond issue to construct bridge over Tennessee River.

Further consideration of House Bill No. 2687, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Duer moved that House Bill No. 2687, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Usery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe,

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**Wood, Yelton, Mr. Speaker Murray -- 99.**

A motion to reconsider was tabled.

### **RULES SUSPENDED**

Rep. Naifeh moved to suspend **Rule No. 76** so that the House could recess at 12:30 for one hour, which motion prevailed.

### **ANNOUNCEMENTS**

Rep. Phillips announced that the Calendar and Rules Committee would meet immediately after the recess, which motion prevailed.

### **MOTIONS TO SUSPEND RULES**

Rep. Phillips moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in committee, so that House Bill(s) No(s). 2560, 1801, 2498 and 2695 could be heard by the Calendar and Rules Committee.

Rep. DeBerry objected to the suspension of the rules on House Bill(s) No(s). 1801 and 2498.

Rep. Copeland objected to the suspension of the rules on House Bill No. 2695.

Rep. Scruggs objected to the suspension of the rules on House Bill No. 2560.

Rep. Henry (Roane) moved to divide the question on the suspension of the rules, which motion prevailed.

Rep. DeBerry withdrew her objection on House Bill No. 1801, to which R. Jones (Shelby) then objected.

On motion, the rules were suspended for Calendar and Rules to hear House Bill No. 2560.

The motion to suspend the rules for Calendar and Rules Committee to hear House Bill No. 1801 failed by the following vote:

Ayes. . . . .	44
Noes. . . . .	43
Present and not voting. . . . .	1

Representatives voting aye were: Armstrong, Austin, Bell, Bivens, Buck, Burnett, Byrd, Clark, Collier, Cross, Curlee, Davidson, Davis (Knox), DeBerry, DePriest, Givens, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Kisber, Love, Moore (Lawrence), Naifeh, Odom, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Severance, Shirley, Starnes, Turner,

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C. (Shelby), Ussery, West, Wheeler, Winningham, Wix, Mr. Speaker Murray -- 44.

Representatives voting no were: Anderson, Bittle, Burchfield, Chiles, Coffey, Cole, Crain, Davis (Gibson), Duer, Gaia, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, McAfee, McDaniel, Moody, Moore (Shelby), Napier, Niceley, Nuber, Peroulas, Pruitt, Robinson (Washington), Scruggs, Stallings, Stamps, Turner, L. (Shelby), Webb, Whitson, Williams, Wolfe, Wood -- 43.

Representatives present and not voting were: Dixon -- 1.

A motion was made to suspend the rules for Calendar and Rules to hear House Bill No. 2498. Rep. Naifeh moved the previous question, which motion prevailed. On motion, the rules failed to be suspended to hear the bill.

A motion was made to suspend the rules for Calendar and Rules to hear House Bill No. 2695. Rep. Rhinehart moved the previous question, which motion prevailed. On motion, the rules failed to be suspended to hear the bill.

#### **REQUEST TO CHANGE VOTE**

MR. SPEAKER: I wish to express a desire to vote yes on the rule suspension motion to hear House Bill No. 2498 in Calendar and Rules have this statement entered in the Journal.

Rep. Randall Stamps

#### **MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2540; passed by the Senate.

CLYDE W. McCULLOUGH, JR.  
Chief Clerk.

Senate Bill No. 2540 -- Medicine, Practice of -- Develops procedure for orders of resuscitation.

#### **MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 584; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.  
Chief Clerk.



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Senate Joint Resolution No. 584 -- Memorials, Sports -- Honors Vanderbilt University basketball team on winning the National Invitational Tournament.

REGULAR CALENDAR, CONTINUED

\*House Bill No. 0120 -- Taxes -- Enacts "Tax Reform Law of 1989". Amends TCA, Titles 57, 67.

Further consideration of House Bill No. 120, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Bivens moved that House Bill No. 120 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 120 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1019 is amended by deleting subsection (b) thereof.

SECTION 2. This act shall take effect on July 1, 1990 the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Clark moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 120 by adding a new section thereto as follows:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 67-4-706, is amended by designating the current language as subsection (a) and by adding a new subsection as follows:

(b) Any metropolitan government which has levied the taxes herein authorized may, by resolution of its legislative body, designate the county clerk as the collector of the tax for the entire metropolitan taxing jurisdiction.

On motion, Amendment No. 2 was adopted.

Rep. Odom moved to amend as follows:

Amendment No. 3

Amend House Bill No. 120 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 67-6-217, is amended by adding the following new subsection:

( ) Each county legislative body may assess pursuant to resolution a local option aviation fuel tax at a rate of not more than five percent (5%). The proceeds from such tax shall be allocated exclusively for education.

Rep. Rhinehart moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	85
Noes. . . . .	7

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Webb, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 85.

Representatives voting no were: Austin, Burchfield, Dixon, Jones, R. (Shelby), Niceley, Odom, West -- 7.

Rep. Bivens moved that House Bill No. 120 be passed, as amended, on third and final consideration.

Rep. Haun moved the previous question, which motion prevailed.

Thereupon, Rep. Bivens moved that House Bill No. 120, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain,

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Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives present and not voting were: Nuber, Turner, C. (Shelby) -- 2.

A motion to reconsider was tabled.

**CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on the tabling motion on Amendment No. 3 to House Bill No. 120 and have this statement entered in the Journal.

Rep. Joe Burchfield

**CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on the tabling motion on Amendment No. 3 to House Bill No. 120 and have this statement entered in the Journal.

Rep. Roscoe Dixon

**CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on the tabling motion on Amendment No. 3 to House Bill No. 120 and have this statement entered in the Journal.

Rep. Rufus Jones

**RULES SUSPENDED**

Rep. Naifeh moved to suspend Rule No. 59 so that all Senate Messages lying on the Clerk's desk can be considered on a non-printed message calendar as the first order of business after the lunch recess, which motion prevailed.

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**RULES SUSPENDED**

Rep. Naifeh moved to suspend the Rule No. 17 so that all congratulatory and memorializing resolutions lying on the desk can be introduced and placed on a supplemental consent calendar for immediate consideration, which motion prevailed.

**SUPPLEMENTAL CONSENT CALENDAR**

**House Resolution No. 0221 -- Memorials, Interns -- Commends**  
Tevis Rose Trower, 1990 legislative intern. by \*Murray.

Introduced; placed on supplemental consent calendar.

**House Joint Resolution No. 0931 -- Memorials, Personal**  
Achievement -- Congratulates Brents Priestley on attaining Eagle Scout award. by \*Herron.

Introduced; placed on supplemental consent calendar.

**House Joint Resolution No. 0932 -- Memorials, Recognition --**  
Honors Minister John J. Campbell of Memphis. by \*DeBerry.

Introduced; placed on supplemental consent calendar.

**House Joint Resolution No. 0933 -- Memorials, Personal**  
Achievement -- Honors Daniel Fredrick Kreuter on attaining Eagle Scout badge. by \*Herron.

Introduced; placed on supplemental consent calendar.

**House Joint Resolution No. 0934 -- Memorials, Personal**  
Achievement -- Honors Timothy Wayne Marr on attaining Eagle Scout award. by \*Herron.

Introduced; placed on supplemental consent calendar.

**House Joint Resolution No. 0935 -- Memorials, Personal**  
Achievement -- Congratulates John Erbie Edwards on attaining Eagle Scout award. by \*Herron.

Introduced; placed on supplemental consent calendar.

**Senate Joint Resolution No. 0584 -- Memorials, Sports -- Honors**  
Vanderbilt University basketball team on winning National Invitation Tournament.

Introduced; placed on supplemental consent calendar.

Rep. Naifeh moved that all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the

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Consent Calendar be concurred in, which motion prevailed.

A motion to reconsider was tabled.

**MOTION**

Rep. Naifeh moved that all appropriate resolutions lying on the Clerk's desk be placed on a special resolutions calendar for the afternoon, to be printed and distributed on each member's desk, which motion prevailed.

**RECESS MOTION**

Pursuant to Rep. Naifeh's motion, the House recessed at 12:30 p.m.

**REPORTS FROM STANDING COMMITTEES**

**LABOR AND CONSUMER AFFAIRS COMMITTEE  
April 12, 1990**

MR. SPEAKER: Your Labor and Consumer Affairs Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 2695.

CHRIS TURNER, Chairman.

Under the rules, House Bill(s) No(s). 2695 was/were transmitted to the Calendar and Rules Committee.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
April 12, 1990**

MR. SPEAKER: Your Calendar and Rules Committee begs leave to report that we have met and set the following bills on the Regular Calendar for Monday, April 12, 1990: House Bill(s) No(s). 2560.

PHILLIPS, Chairman.

**ENGROSSED BILLS  
April 12, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2681, 2688, 2689, 2691, 2692, 2693, 2694 and 2696; also, House Joint Resolution(s) No(s). 928, 929 and 930; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

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SIGNED  
April 12, 1990

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 558, 619, 1011, 1084, 1611, 1797, 1811, 2255, 2277, 2353, 2434, 2447, 2469, 2475, 2542, 2559, 2569, 2579, 2639, 2655, 2667 and 2669; also, Senate Joint Resolution(s) No(s). 458, 517, 521, 580 and 583.

MESSAGE FROM THE GOVERNOR  
April 12, 1990

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1131, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

ENGROSSED BILLS  
April 12, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 931, 932, 933, 934 and 935; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2679, 2681, 2690, 2691, 2692, 2693, 2694 and 2696; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

ENGROSSED BILLS  
April 12, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1993 and 2687; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

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**ENGROSSED BILLS**  
**April 12, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 120; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1790; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**  
**April 12, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1987, 2360 and 2533; also, House Joint Resolution(s) No(s). 811; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 112.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 2 and 3.

The Speaker appointed a Conference Committee composed of Senators Arnold, Womack and Henry to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 112.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 533; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution No. 448.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2357 and 2651; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 665, 744, 766 and 783; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill No. 1920.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 5, withdrew



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Amendment No. 5, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Murray.

On motion of Rep. Naifeh, the roll call was dispensed with.

**MESSAGE FROM THE SENATE**  
**April 12, 1990**

MR. SPEAKER: I am directed to request the return of Senate Joint Resolution No. 448, for further consideration.

CLYDE W. McCULLOUGH, Jr.,  
Chief Clerk.

**SENATE JOINT RESOLUTION RETURNED**

There being no objection, Rep. Anderson moved that the clerk be directed to return Senate Joint Resolution No. 448 to the Senate as requested.

**MOTION TO RECONSIDER**

Rep. Davis (Knox) moved to lift from the table the motion to reconsider House Joint Resolution No. 912, which motion prevailed.

House Joint Resolution No. 0912 -- Memorials, Public Service -- Honors Paul Scruggs for service to General Assembly.

Rep. Davis (Knox) moved to reconsider our action in adopting House Joint Resolution No. 912, which motion prevailed.

Rep. Davis (Knox) moved that House Joint Resolution No. 912 be adopted, with the request that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good,

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Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

#### MESSAGE CALENDAR, CONTINUED

##### MOTION TO RECONSIDER

Rep. Bragg moved to lift from the table the motion to reconsider Senate Bill No. 2392, which motion prevailed.

**Senate Bill No. 2392 -- Appropriations --** Makes appropriations to defray the expenses of state government for fiscal year beginning July 1, 1990.

Rep. Bragg moved to reconsider action in passing Senate Bill No. 2392, which motion prevailed.

Rep. Bragg moved to amend as follows:

##### Amendment No. 3

AMEND SENATE BILL NO. 2392 BY ADDING THE FOLLOWING NEW ITEM AT THE END OF SECTION 10:

Item \_\_\_\_\_. All appropriations made by the provisions of this act to human resource agencies and to community action agencies are subject to the approval of the commissioner of finance and administration.

AND FURTHER AMEND BY ADDING THE FOLLOWING NEW ITEMS AT THE END OF SECTION 12:

Item \_\_\_\_\_. In addition to any other appropriations made in this act, there is hereby appropriated an amount not to exceed the revenue generated from the enactment of House Bill 2387 / Senate Bill 2534. This appropriation shall be effective only if House Bill 2387 / Senate Bill 2534 is enacted into law.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum not to exceed twenty thousand dollars (\$20,000) to the Tennessee Historical Commission for the sole purpose of purchasing the Gordon Browning silver service consisting of

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a coffee pot, a tea pot, a sugar bowl, a creamer, and two (2) trays, copying the Bremen state silver from Germany. Upon purchase the silver service shall be placed in the Gordon Browning Museum in Huntingdon.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one million two hundred thousand dollars (\$1,200,000) to be allocated as follows:

Memphis Pink Palace .....	\$400,000
Cumberland Museum .....	\$400,000
Knoxville Student Museum .....	\$400,000

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) for the purpose of upgrading facilities at the Rotary Ball Park located on the Hermitage property in Davidson County.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to Orange Mound Concerned Citizens for the soup kitchen.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ten thousand dollars (\$10,000) to the department of agriculture for the sole purpose of making a grant in such amount to the Farm Alliance's Hotline.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) for The Blues Foundation in Memphis, Tennessee, to assist in the cost of general operating support for the W. C. Handy Home / Museum and the marketing, promotion and presentation of Blues music projects.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty thousand dollars (\$20,000) to the department of veterans' affairs for the purpose of funding one (1) field position the provisions of this act.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ten thousand dollars (\$10,000) for the Arts Outreach Program in Memphis.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to the city of Orme for utility work.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred twenty-five thousand dollars (\$125,000) to the Southern Development Cooperative Fund in Memphis.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of nine hundred eighty thousand dollars (\$980,000) to the State Board of Regents for the sole purpose of funding the construction of an automotive technology building at the Matt Lynch Campus of the State Area Vocational-Technical School in Nashville.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifteen thousand dollars (\$15,000) to the Lakeway Center for the Handicapped in Morristown for a kitchen/cafeteria training facility and general building and grounds improvement.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred fifty thousand dollars (\$250,000) to the department of education for the sole purpose of making a grant in such amount to the East Tennessee Public Communications Corporation to provide Class A public television services on Channel 15 to the Knoxville market area.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of sixty-three thousand dollars (\$63,000) to the Southwest Human Resource Agency to maintain its current level of funding for rural transit for senior citizens.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum not to exceed five hundred thousand dollars (\$500,000) subject to the approval of the commissioner of finance and administration to implement the provisions of Senate Bill 1570 / House Bill 1554, if such bill becomes a law.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to the city of Knoxville for the purpose of funding "Bicentennial Legacies" in connection with the bicentennial of the city.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred fifty-eight thousand dollars (\$158,000) to the DropOut Task Force of Knoxville for operations at the Center School.

Item \_\_\_\_\_. In addition to any other funds appropriated

by the provisions of this act, there is appropriated the sum of fifteen thousand dollars (\$15,000) to the city of Cookeville for the sole purpose of repairing and maintaining the Cookeville depot. This appropriation is subject to the following conditions:

1) All repairs and maintenance shall be overseen by the person in charge of the Cookeville depot and performed by members of the Friends of the Cookeville Depot organization; and

2) A thirty percent (30%) match (\$4500) by the city of Cookeville.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifteen thousand dollars (\$15,000) to Station WCTE in Cookeville for the purchase of a truck to transport television equipment and supplies. The station shall be responsible for any costs which exceed the amount appropriated herein.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the Sumner County Archives for the purpose of funding a document preservation laboratory.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty-one thousand dollars (\$51,000) to fund the provisions of Senate Bill 1889 / House Bill 2204, relative to minority teacher fellowships at community colleges, if such bill becomes a law.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the city of Waverly for lighting.

Item \_\_\_\_\_. The appropriation of two hundred thousand dollars (\$200,000) made by Section 12, Item 155, of the General Appropriation Act of 1989 for pre-planning of construction of a library addition at Volunteer State Community College shall be available for pre-planning of an addition or a new library at the college.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty thousand dollars (\$20,000) to the Grassy Creek Wildlife Foundation, Inc. for wildlife rehabilitation.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ten thousand dollars (\$10,000) to A.C.C.E.S.S. Inc.

for a truck to be used in a recycling project.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the department of health and environment for the sole purpose of environmental planning and management activities in the Nashville region.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-eight thousand dollars (\$28,000) to the Wilson County Civil Defense to be allocated as follows:

\$20,000  
\$ 8,000

Hazardous Materials Van  
"Jaws of Life"

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of sixty thousand dollars (\$60,000) to be allocated as follows:

- |  |           |
|--|-----------|
| (1) Southwest human resource agency . . . . .        | \$15,000  |
| (2) Southcentral human resource agency . . . . .     | \$15,000  |
| (3) Southeast human resource agency . . . . .        | \$15,000  |
| (4) Upper Cumberland human resource agency . . . . . | \$15,000. |

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the following sums for the purchase of fire and emergency equipment:

Anderson County	\$10,000
Campbell County	\$ 7,500
Claiborne County	\$ 7,500

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of thirty thousand dollars (\$30,000) to the department of conservation for a feasibility study for resort state park in Loudon or Monroe County.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the Memphis Area Neighborhood Watch, Inc. program.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to Tennessee Local Development Authority for the sole purpose of making a grant to the "Local Neighborhood Development Corporations" of the thirty-third senatorial district in Memphis as enacted by Chapter 985 of the Public Acts of 1988. This appropriation is subject of the approval of the

commissioner of finance and administration.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the city of Mt. Juliet for capital improvements of recreational facilities.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to the Department of Conservation for acquisition of additional land for the Cedars of Lebanon State Park.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to the Smoky Mountain Parks Commission.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty-five thousand dollars (\$55,000) to fund three (3) new positions in the Corporate Services Section in the Department of State.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to Meigs County for construction of an industrial building.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the following sums to the Tennessee State Museum:

- 1) \$30,000 - for printing of museum publications with emphasis on printing copies of the Museum Visitor Guide and the Capitol Visitor Guide.
- 2) \$10,000 - for additional travel expenses incurred in providing assistance to other museums, state-wide.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of seventeen thousand six hundred eighty dollars (\$17,680) to the district attorney general's conference for the purpose of employing one (1) accounting clerk.

Item \_\_\_\_\_. In addition to the funds appropriated in Section 1, Title III-1, Item 7 to the public service commission, there is appropriated to such commission the sum of three hundred seventy-six thousand three hundred dollars (\$376,300) for payroll expenditures and six hundred seventy-six thousand seven hundred dollars (\$676,700) for other expenditures.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to Union County to further reading programs for children and adults.

AND FURTHER AMEND BY ADDING THE FOLLOWING NEW ITEM AT THE END OF SECTION 41:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred thousand dollars (\$300,000) to the Department of Economic and Community Development for the purpose of industrial building renovations and improvements at the Houston-Stewart Industrial Park.

AND FURTHER AMEND by deleting the item added to Section 12 relative to a Smokey Mountain National Park visitor center (designated House No. 329) and by substituting instead the following:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred fifty thousand dollars (\$150,000) to the city of Townsend for the sole purpose of constructing a visitors center at the entrance of the Smokey Mountain National Park. The appropriation made in this item shall be subject to the filing of a plan of expenditures with the commissioner of finance and administration and subject to the approval of the state building commission.

AND FURTHER AMEND by deleting the item added to Section 12 of the printed bill relative to a computer laboratory for the Stewart County Board of Education (designated House No. 100) and by substituting instead the following:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to Stewart County for a computer laboratory.

AND FURTHER AMEND by deleting the item added to Section 12 of the printed bill relative to the creation of courts in the 3rd and 4th judicial districts (designated House No. 106) and by substituting instead the following:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum not to exceed one hundred eighty-five thousand dollars (\$185,000) for the purpose of funding a new judgeship in the third judicial district if such judgeship is created by law.

In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum not to exceed one hundred eighty-five thousand dollars (\$185,000)



for the purpose of funding a new judgeship in the fourth judicial district if such judgeship is created by law.

AND FURTHER AMEND by deleting the item added to Section 12 of the printed bill relative to athletic facilities for Fayette County (designated House No. 251) and by substituting instead the following:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred thousand dollars (\$200,000) to Fayette County to provide for athletic facilities, equipment and activities. This appropriation is subject to a match of one hundred thousand dollars (\$100,000) by Fayette County.

AND FURTHER AMEND by deleting the item added to Section 12 of the printed bill relative to rafting take-out on the Ocoee River (designated House No. 258) and by substituting instead the following:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred thousand dollars (\$200,000) to the Department of Conservation for the sole purpose of funding rafting take-out on the Ocoee River in Polk County.

AND FURTHER AMEND by deleting the item added to Section 12 of the printed bill relative to filing of expenditure plans with the commissioner of finance and administration (designated House No. 357) and by substituting instead the following:

Item \_\_\_\_\_. All grants or other appropriations made to local governments, governmental entities, not-for-profit entities, or other organizations under this act shall be subject to the filing with the commissioner of finance and administration by the receiving entity of a plan of proposed expenditures of such funds.

AND FURTHER AMEND by deleting the item added to Section 12 relative to a community building at East Lake Park (designated House No. 198) and by substituting instead the following:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to the city of Chattanooga for the construction of a community building at East Lake Park.

AND FURTHER AMEND by deleting the item added to Section 12 relative to athletics in Van Buren County (designated House No. 281) and by substituting instead the following:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to Van Buren

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County to provide for athletic facilities, equipment and activities. This appropriation is subject to a match of fifty thousand dollars (\$50,000) by Van Buren County. The appropriation made in this item is subject to the approval of the commissioner of finance and administration.

AND FURTHER AMEND by deleting the item added to Section 12 relative to residential homes for the mentally retarded (designated as House No. 153) and by substituting instead the following:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty-nine thousand eight hundred sixty dollars (\$59,860) for the purpose of implementing Senate Bill No. 2541 / House Bill No. 2515, if such bill becomes a law.

AND FURTHER AMEND by deleting from Section 10 the item which reads:

Item \_\_\_\_\_. From the funds appropriated to the department of economic and community development, Tennessee Industrial Infrastructure Program, there is hereby earmarked a sum sufficient to provide for refunds of state sales and use taxes paid by qualified businesses which are exempt from or otherwise qualified for a refund of such taxes pursuant to the provisions of Senate Bill 2080 / House Bill 2258. Such sum shall be paid to the appropriate enterprise zone board for transmittal to the qualified business upon presentation of proper documentation to the department. The provisions of this item shall be effective only if Senate Bill 2080 / House Bill 2258 becomes law.

AND FURTHER AMEND by deleting the item added to Section 12 relative to funding human resource agencies (designated House No. 23) and by substituting instead the following:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Department of Human Services for the purposes of funding the provisions of Tennessee Code Annotated, Section 13-26-107 (c) and (d), a sum not to exceed two hundred forty thousand dollars (\$240,000.00) provided that each human resource agency, which complies with the provisions of Tennessee Code Annotated, Section 13-26-107 (c) and (d), can only receive a maximum of thirty thousand dollars (\$30,000.00) each. There is also appropriated in addition to any other funds appropriated by the provisions of this act the sum of thirty thousand dollars (\$30,000) to the Delta Human Resource Agency.

On motion, Amendment No. 3 was adopted.

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Thereupon, Rep. Bragg moved that **Senate Bill No. 2392**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

Representatives voting no were: Moore (Shelby) -- 1.

A motion to reconsider was tabled.

**BILL RETURN REQUESTED**

Pursuant to **Rule No. 54**, Rep. Duer moved that the Clerk request the return of **Senate Bill No. 2336** from the Senate, which motion prevailed.

**MESSAGE CALENDAR, CONTINUED**

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 112**

**\*Senate Bill No. 0112 -- Motor Vehicles, Titling and Registration --** Creates license plate for U.S. Reserve Forces. Amends TCA, Title 55, Ch. 4.

Pursuant to **Rule No. 73**, Representative Starnes moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on **Senate Bill No. 112**, which motion prevailed.

The Speaker appointed Representatives Yelton, Robinson (Davidson) and Starnes as the House members of the Conference Committee on **Senate Bill No. 112**.

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MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 120; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2302; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENT

\*House Bill No. 2166 -- Utilities, Utility Districts -- Permits referendum on ouster of commissioners of water utility district in certain counties. Amends TCA 7-82-307.

Senate Amendment No. 2

Amend House Bill No. 2166 by deleting the effective date section in its entirety and by substituting instead the following:

Section \_\_\_\_\_. Section 1 and the section added by House Amendment No. 2 shall take effect upon becoming a law, the public welfare requiring it. The section added by House Amendment No. 1 shall take effect on July 1, 1990, the public welfare requiring it.

Rep. Naifeh moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 2166, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels,

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Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2308** -- Public Funds and Financing -- Removes alternate method for securing deposits of state funds. Amends TCA, Title 9, Ch. 4, 45-2-611. Repeals TCA, Title 9, Ch. 4, Pt. 5.

#### Senate Amendment No. 2

AMEND House Bill No. 2308 by deleting from Section 9-4-502(n) of Section 1, as amended, the words and punctuation "means the state of Tennessee, or any Tennessee county," and by substituting instead the words and punctuation "means the state of Tennessee or any of its agencies, or any Tennessee county,".

AND FURTHER AMEND by deleting the period "." from the first sentence of Section 9-4-518(e) of Section 1, as amended, and by substituting instead the following:

, and the state comptroller of the treasury, or his designated representatives, for purposes of audit. The confidentiality of such information shall be maintained by the state comptroller of the treasury in the same manner as he maintains the confidentiality of his working papers which are not subject to Tennessee Code Annotated, section 10-7-503.

AND FURTHER AMEND by deleting from Section 9-4-521(a)(2) of Section 1, as amended, the words "and loan association" and by substituting instead the word "institution".

Rep. Wheeler moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 2308, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross,

Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 1619 -- Sunset Laws --** Extends termination date of health facilities commission. Amends TCA, Title 4, Chs. 5, 29; Title 56, Ch. 7; Title 68, Ch. 11. by \*King, \*Garrett.

#### Senate Amendment No. 2

AMEND House Bill No. 1619 by inserting the following language, as appropriately designated new sections, immediately preceding the effective date section, and by renumbering subsequent sections accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Title 68, Chapter 11, Part 1, is amended by adding the following language:

Notwithstanding the provisions of any law to the contrary, the governor shall appoint a commission to develop and periodically update a Tennessee state health plan for 1990 - 1995. The commission shall include, but not necessarily be limited to, representatives of the department of health and environment, the department of mental health and mental retardation and the health facilities commission. In order to provide adequate guidelines for the health facilities commission, the state health plan shall, within the context of state health needs, include clear statements of goals, objectives, criteria, and standards. On or before January 15, the commission shall annually report its findings and recommendations to the governor and to each member of the general assembly.

SECTION \_\_\_\_ Tennessee Code Annotated, Title 68, Chapter 11, Part 1, is amended by adding the following language:

Notwithstanding the provisions of any law to the

contrary, by rule promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, the health facilities commission, acting with the concurrence of the commissioner of health and environment and the commissioner of mental health and mental retardation, shall establish policies and procedures to ensure independent review and verification of information submitted to the commission in applications, presentations, or otherwise. The purpose of such independent review and verification shall be to ensure that such information is accurate, complete, comprehensive, timely, and relevant to the decision to be made by the commission. The policies and procedures shall include, but not necessarily be limited to, independent review and verification of such applicant provided information as the number of available beds within a region, occupancy rates, the number of individuals on waiting lists, the demographics of a region, the number of procedures, as well as any other critical information submitted or requested in support of an application. The policies and procedures shall include, but not necessarily be limited to, staff examination of data sources, data input, data processing, and data output, as well as staff double-checks of critical information through review procedures to include one (1) or more of the following: analytical review; tests of information on a sample basis by tracing facts to sources; tests of all information provided, if necessary; critical assessment of data sources, including the appropriateness of the sources; and examination of the basis for projections of need, costs, and available health services.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 68, Chapter 11, Part 1, is amended by adding the following language:

Notwithstanding the provisions of any law to the contrary, by rule promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, the health facilities commission, acting with the concurrence of the commissioner of health and environment and the commissioner of mental health and mental retardation, shall establish policies and procedures to ensure independent review and verification of information submitted by health care providers for inclusion in the Joint Annual Report. The purpose of such independent review and verification shall be to ensure that such information is accurate, complete, timely, and in a form usable for certificate of need comparisons.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 68,

Chapter 11, part 1, is amended by adding the following language:

Notwithstanding the provisions of any law to the contrary, with regard to each decision rendered by the health facilities commission on or after the effective date of this act, the decision shall include written documentation and explanation of the factual and legal bases upon which the commission grants or denies the certificate of need.

Rep. King moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 1619, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1790 -- Taxes, Business -- Permits credit against business tax for certain personal property tax payments regardless of personal property tax payment date. Amends TCA 67-4-713.

#### Senate Amendment No. 1

Amend House Bill No. 1790 by substituting language for the first sentence of the amendatory language of Section 1 as follows:

The credit provided for in subdivision (a)(3) shall be allowed only for taxes paid either during the tax period covered by the return or prior to the delinquency date set out at Section 67-4-719 for the filing of such return.



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Rep. Starnes moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1790, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Austin, Bell, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2302 -- Hospitals and Health Care Facilities -- Changes "nursing home administrator" to "representative of nursing home industry". Amends TCA 68-11-104, 68-11-203, 68-16-102.

#### Senate Amendment No. 1

AMEND House Bill No. 2302 by deleting Section 6 in its entirety and substituting instead the following:

SECTION 6. This act shall not be interpreted to authorize the appointment of either a registered lobbyist or a nonresident of the state of Tennessee to any state regulatory board affected by this act.

FURTHER AMEND by adding a new Section 7 as follows:

SECTION 7. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Starnes moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2302, which motion prevailed by the following vote:

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Ayes . . . . .	91
Noes . . . . .	1
Present and not voting . . . . .	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives voting no were: Moody -- 1.

Representatives present and not voting were: Givens, Head, Moore (Shelby) -- 3.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1871.

The Senate lifted the tabling motion; reconsidered passage of the bill; refused to recede from its action in adopting Amendment No. 2, adopted Amendment No. 3; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1868.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 7, withdrew Amendment No. 7, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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REGULAR CALENDAR, CONTINUED

**\*House Bill No. 2531** -- Medicine, Practice of -- Develops procedure for orders of resuscitation.

Further consideration of House Bill No. 2531, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 2531 was made to conform with Senate Bill No. 2540.

On motion, **Senate Bill No. 2540**, on same subject, was substituted for House Bill No. 2531.

Rep. Pruitt moved that **Senate Bill No. 2540** be passed on third and final consideration.

On motion, Rep. Pruitt withdrew General Welfare Committee Amendment No. 1.

Rep. Pruitt moved that **Senate Bill No. 2540** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	1
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representatives voting no were: Moody -- 1.

Representatives present and not voting were: Hassell -- 1.

A motion to reconsider was tabled.

**House Bill No. 2658** -- Driver Licenses -- Prohibits denial of commercial driver license to certain persons in certain circumstances. Amends TCA, Title 55, Ch. 50, Pt. 4.

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Further consideration of House Bill No. 2658, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Henry (Roane) moved that House Bill No. 2658 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2658 by deleting all the amendatory language in Section 1, subsection (a) before the colon and substituting the following in lieu thereof:

Section \_\_\_\_.(a) No person shall be denied a commercial driver license nor be deemed medically unqualified to operate a motor vehicle based on the failure to meet motor carrier safety regulations adopted pursuant to T.C.A. 65-15-113 relative to:

AND FURTHER AMEND the amendatory language of sub-section (a) by adding the following language after the phrase "hazardous materials":

"required to be placarded under applicable federal law".

AND FURTHER AMEND by deleting the last sentence in the amendatory language of sub-section (a).

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Henry (Roane) moved that House Bill No. 2658, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams,

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Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives voting no were: Scruggs -- 1.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 2658 and have this statement entered in the Journal.

Rep. Paul C. Scruggs

**REGULAR CALENDAR, CONTINUED**

House Bill No. 2250 -- Sewage -- Authorizes use of certain sewage disposal systems which meet certain standards. Amends TCA, Title 68.

Further consideration of House Bill No. 2250, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 2250 was made to conform with Senate Bill No. 1738.

On motion, Senate Bill No. 1738, on same subject, was substituted for House Bill No. 2250.

Rep. Davis (Cocke) moved that Senate Bill No. 1738 be passed on third and final consideration.

On motion, Rep. Hillis withdrew Conservation and Environment Committee Amendment No. 1.

On motion, Rep. Callicott withdrew Amendment No. 1.

Rep. Callicott moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 1738 by adding at the end of Section 1 as amended the following language:

In addition no such unit shall be used on any lot or tract during the testing period unless a prior system on the lot or tract has failed.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davis (Cocke) moved that Senate Bill No. 1738,

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as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Bill No. 2119 -- Health -- Creates within legislative branch black health care commission. Amends TCA, Titles 3, 33, 68, 71.

Further consideration of House Bill No. 2119, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Armstrong moved that House Bill No. 2119 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	65
Noes. . . . .	9
Present and not voting. . . . .	4

Representatives voting aye were: Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Good, Halteman, Hassell, Henry (Roane), Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McDaniel, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Shirley, Sipes, Stallings, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson, Williams, Winningham, Yelton, Mr. Speaker Murray -- 65.

Representatives voting no were: Chiles, Duer, Harrill, Henry (Putnam), Hobbs, McAfee, Moody, Wolfe, Wood -- 9.

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Representatives present and not voting were: Anderson, Cain, Holcomb, Pinion -- 4.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 2119 and have this statement entered in the Journal.

Rep. Tom Wheeler

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 2119 and have this statement entered in the Journal.

Rep. Ken Givens

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2336, as requested.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to request the return of House Bill No. 120, for further consideration.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**HOUSE BILL RETURNED**

There being no objection, Rep. Bivens asked that the Clerk be directed to return House Bill No. 120 to the Senate as requested.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate

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Joint Resolution(s) No(s). 552, 560, 642, 643, 644, 645, 646, 648 and 649; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Joint Resolution No. 0552** -- Memorials, Government Officials -- Urges state print shops to use, print and bind materials which permit recycling.

**\*Senate Joint Resolution No. 0560** -- Memorials, Congress -- Urges revision of Juvenile Justice and Delinquency Prevention Act relative to detention of runaways from other states.

**Senate Joint Resolution No. 0642** -- Memorials, Recognition -- Honors Elder John R. Lasater, member of First Quorum of the Seventy.

**Senate Joint Resolution No. 0643** -- Memorials, Retirement -- Honors John H. Cox.

**Senate Joint Resolution No. 0644** -- Memorials, Public Service -- Honors Baker-Peters Task Force Members.

**Senate Joint Resolution No. 0645** -- Memorials, Professional Achievement -- Honors Tom Schulman, Academy Award winner.

**Senate Joint Resolution No. 0646** -- Memorials, Sports -- Honors Minnie Minoso for baseball career.

**Senate Joint Resolution No. 0648** -- Memorials, Recognition -- Thanks Memphians for Legislators Weekend.

**Senate Joint Resolution No. 0649** -- Memorials, Recognition -- Honors 28th Annual Yom Hashoah Program in Memphis.

**MESSAGE FROM THE SENATE**  
**April 12, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2081; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Bill No. 2081** -- Insurance, Health, Accident -- Increases minimum amount of deductible and out-of-pocket payments under Comprehensive Health Insurance Pool. Amends TCA, Title 56, Ch. 39.

**REGULAR CALENDAR, CONTINUED**

**\*House Resolution No. 0097** -- General Assembly, Studies -- Establishes special committee to study Tennessee's dropout rate.



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Further consideration of House Resolution No. 97, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. L. Turner (Shelby) moved that House Resolution No. 97 be adopted.

Rep. DeBerry moved to amend as follows:

**Amendment No. 1**

AMEND House Resolution No. 97 by adding the following new resolving clause:

BE IT FURTHER RESOLVED, That the special committee authorized by the provisions of this resolution shall be appointed by the speaker and convene if, and only if, House Joint Resolution No. 329 does not take effect.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. L. Turner (Shelby) moved that House Resolution No. 97, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

**\*Senate Bill No. 1657 -- Alcoholic Beverages -- Decreases number of days a week restaurant must serve meals in order to qualify for liquor license. Amends TCA 57-4-102.**

Further consideration of Senate Bill No. 925, previously considered on March 22, 1990, it was substituted for House Bill No. 1683 and reset to March 28, at which time it failed for lack of a constitutional majority and was re-referred to the Calendar Rules Committee. On April 10, the Calendar and Rules Committee placed the bill on the calendar for April 12, 1990.

Rep. West moved that **Senate Bill No. 1657** be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. West moved passage of **Senate Bill No. 1657** on third and final consideration, which motion failed by the following vote:

Ayes. . . . .	49
Noes. . . . .	40
Present and not voting. . . . .	1

Representatives voting aye were: Armstrong, Bivens, Burnett, Cain, Chiles, Coffey, Collier, DeBerry, Dixon, Duer, Gaia, Garrett, Givens, Good, Halteman, Hassell, Haun, Head, Herron, Hubbard, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love,

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McDaniel, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Pruitt, Robinson (Hamilton), Robinson (Washington), Severance, Starnes, Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Yelton, Mr. Speaker Murray -- 49.

Representatives voting no were: Anderson, Austin, Bell, Bragg, Buck, Byrd, Callicott, Cole, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DePriest, Gunnels, Harrill, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Jackson, McAfee, Moore (Lawrence), Peroulas, Pinion, Rhinehart, Robinson (Davidson), Scruggs, Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), Whitson, Winningham, Wolfe, Wood -- 40.

Representatives present and not voting were: Bittle -- 1.

Pursuant to Rule No. 39, House Bill No. 1657, having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1882; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REGULAR CALENDAR, CONTINUED**

House Bill No. 2121 -- Human Rights -- Revises provisions of housing discrimination law to conform with Federal Fair Housing Amendments of 1988. Amends TCA, Title 4.

On motion, House Bill No. 2121 was made to conform with Senate Bill No. 2034.

On motion, Senate Bill No. 2034, on same subject, was substituted for House Bill No. 2121.

Rep. Robinson (Hamilton) moved that Senate Bill No. 2034 be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Robinson (Hamilton) moved that House Bill No. 2034 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

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Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**House Bill No. 1754 -- District Attorneys --** Authorizes executive secretary to receive and disburse IV-D funds in certain circumstances.

Further consideration of House Bill No. 1754, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Moody moved that House Bill No. 1754 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1754 by deleting the first sentence of the amendatory language of Section 2 and substituting instead the following:

"Except in districts where existing non-child support obligations for rent and payroll already exceed this figure, at least seventy percent (70%) of the federal incentive payments distributed by the department of human services and disbursed by the executive secretary of the district attorneys general conference as provided for in Tennessee Code Annotated, Section 8-7-602, shall be utilized to encourage and improve the cost-effectiveness of child support enforcement efforts. In those districts where existing non-child support rent and payroll obligations already exceed thirty percent (30%) of the incentive payment expenditures for that district, non-child

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support uses of incentive funds shall be limited to those existing rent and payroll obligations until July 1, 1991 at which time 100% of the Federal Incentive Funds shall be utilized to encourage and improve the cost-effectiveness of child support enforcement efforts. Provided however, notwithstanding the above requirements, said funds may be appropriated by the general assembly for other purposes consistent with applicable federal requirements, to the extent that such appropriation is specifically set forth in the general appropriations act".

On motion, Amendment No. 1 was adopted.

Rep. Moody moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 1754 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 8-7-103, is amended by adding the following appropriately numbered subdivision:

( ) To submit to the office of executive secretary to the district attorneys general conference, within ninety (90) days after the end of each fiscal year, a written report specifying:

(A) Each source from which funds were received by the office of the district attorney general during the fiscal year;

(B) The amount of funds received from each such source; and

(C) The disposition of all such funds.

On motion, Amendment No. 2 was adopted.

Rep. Moody moved to amend as follows:

Amendment No. 3

Amend House Bill No. 1754 by adding a new section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ An agency, which participates in the IV-D program of the Social Security Act, 42 U.S.C., Sections 651-665, and which receives federal incentive payments from the Tennessee department of human services as

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a result of such participation, shall not utilize any portion of the incentive payments for the social or recreational benefit of the agency's officers, employees, agents, or the family members of the officers, employees, or agents.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Moody moved that **House Bill No. 1754**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives voting no were: Ussery -- 1.

A motion to reconsider was tabled.

**House Bill No. 2007 -- Workers' Compensation -- Increases benefit amounts. Amends TCA, Title 50, Ch. 6.**

Further consideration of House Bill No. 2007, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. C. Turner (Shelby) moved that House Bill No. 2007 be passed on third and final consideration.

Rep. C. Turner (Shelby) moved adoption of Labor and Consumer Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

**AMEND** House Bill No. 2007 by deleting Section 1 in its entirety and substituting instead the following new section:

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SECTION 1. Tennessee Code Annotated, Section 50-6-102(a), is amended by deleting subdivisions (5) and (7) in their entirety and substituting instead the following subdivisions (5) and (7):

(5) "Maximum weekly benefit" means the maximum compensation payable to the worker per week; and

(A) For injuries occurring between July 1, 1990 and June 30, 1991, the maximum weekly benefit shall be two hundred seventy-three dollars (\$273) per week; and

(B) For injuries occurring on or after July 1, 1991, the maximum weekly benefit shall be two hundred ninety-four dollars (\$294) per week. The legislature shall review the maximum weekly benefits and shall make recommendations before July 1, 1991, as to the appropriate amount of the maximum weekly benefits;

(7) "Maximum total benefit" means the sum of all weekly benefits to which a worker may be entitled; and

(A) For injuries occurring between July 1, 1990 and June 30, 1991, shall be one hundred nine thousand two hundred dollars (\$109,200); and

(B) For injuries occurring on or after July 1, 1991, shall be one hundred seventeen thousand six hundred dollars (\$117,600);

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

#### Amendment No. 2

Amend House Bill No. 2007 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. C. Turner (Shelby) moved that House Bill No. 2007, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	90
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives present and not voting were: Callicott -- 1.

A motion to reconsider was tabled.

**House Bill No. 2479 -- Personnel Recruiting Services --** Requires temporary employment agencies to register with personnel recruiting services board. Amends TCA, Titles 4, 50, 56; Title 62, Ch. 31.

Further consideration of House Bill No. 2479, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Givens moved that House Bill No. 2479 be re-referred to the Calendar and Rules Committee, which motion prevailed.

**ENGROSSED BILLS  
April 12, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1754, 2007, 2119 and 2658: and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill No. 120.

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The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, and repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

REGULAR CALENDAR, CONTINUED

House Bill No. 1728 -- Accountants -- Revises Tennessee Accountancy Act of 1980. Amends TCA, Title 62, Ch. 1.

Further consideration of House Bill No. 1728, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 1728 was made to conform with Senate Bill No. 1589.

On motion, Senate Bill No. 1589, on same subject, was substituted for House Bill No. 1728.

Rep. Sipes moved that Senate Bill No. 1589 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Sipes moved that Senate Bill No. 1589 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.



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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to present not voting on Senate Bill No. 1589 and have this statement entered in the Journal.

Rep. Bill Sipes

REGULAR CALENDAR, CONTINUED

House Bill No. 2146 -- Courts, Juvenile -- Authorizes juvenile court to appoint special advocate for children before the court. Amends TCA 37-1-149.

Further consideration of House Bill No. 2146, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 2146 was made to conform with Senate Bill No. 1651.

On motion, Senate Bill No. 1651, on same subject, was substituted for House Bill No. 2146.

Rep. Nuber moved that Senate Bill No. 1651 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Nuber moved that Senate Bill No. 1651 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

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MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 398, 1087 and 1861; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Bill No. 0398 -- Correctional Programs --** Provides that office of legal services give legal opinions at request of chairman of select oversight committee on corrections. Amends TCA, Titles 3, 4, 9, 39--41.

**\*Senate Bill No. 1087 -- Tort Liability --** Abolishes common law torts of criminal conversation and seduction. Amends TCA 28-3-104. Repeals TCA 20-1-106.

**\*Senate Bill No. 1861 -- Health --** Prohibits EMS personnel from interfering with physician in certain circumstances. Amends TCA, Title 68, Ch. 39, Pt. 5.

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 1845 -- County Government --** Authorizes counties to remove vegetation and dilapidated buildings under certain circumstances. Amends TCA 5-1-115.

Further consideration of House Bill No. 1845, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 1845 was made to conform with Senate Bill No. 2190.

On motion, Senate Bill No. 2190, on same subject, was substituted for House Bill No. 1854.

Rep. Bragg moved that Senate Bill No. 2190 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Bragg moved that Senate Bill No. 2190 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross,

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Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**House Bill No. 2088 -- Economic and Community Development --**  
Creates disadvantaged business loan guarantee fund. Amends TCA, Title 4.

Further consideration of House Bill No. 2088, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 2088 was made to conform with Senate Bill No. 2032.

On motion, Senate Bill No. 2032, on same subject, was substituted for House Bill No. 2088.

Rep. L. Turner (Shelby) moved that Senate Bill No. 2032 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 2032 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. L. Turner (Shelby) moved that Senate Bill No.

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**2032**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

A motion to reconsider was tabled.

**House Bill No. 2444 -- Health -- Prohibits EMS personnel from interfering with physician in certain circumstances. Amends TCA, Title 68, Ch. 39, Pt. 5.**

Further consideration of **House Bill No. 2444**, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, **House Bill No. 2444** was made to conform with **Senate Bill No. 1861**.

On motion, **Senate Bill No. 1861**, on same subject, was substituted for **House Bill No. 2444**.

**Rep. Williams** moved that **Senate Bill No. 1861** be passed on third and final consideration.

On motion, **Rep. Starnes** withdrew **General Welfare Committee Amendment No. 1**.

On motion, **Rep. Starnes** withdrew **General Welfare Committee Amendment No. 2**.

On motion, **Rep. Starnes** withdrew **General Welfare Committee Amendment No. 3**.

On motion, **Rep. Starnes** withdrew **General Welfare Committee Amendment No. 4**.

**Rep. Williams** moved that **Senate Bill No. 1861** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	59
Noes. . . . .	21
Present and not voting. . . . .	11

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Buck, Burchfield, Burnett, Cain, Chiles, Clark, Coffey, Cole, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Garrett, Givens, Gunnels, Halteman, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Holcomb, Holt, Hubbard, Huskey, Kent, Kernell, King, Kisber, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Purcell, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Ussery, Webb, West, Wheeler, Williams, Wood -- 59.

Representatives voting no were: Austin, Bell, Byrd, Callicott, Crain, DeBerry, Gaia, Harrill, Head, Hillis, Jones, R. (Shelby), Naifeh, Odom, Ridgeway, Starnes, Turner (Hamilton), Turner, C. (Shelby), Whitson, Winningham, Wix, Wolfe -- 21.

Representatives present and not voting were: Bragg, Davis (Gibson), DePriest, Dixon, Good, Hobbs, Jones, U. (Shelby), McAfee, Pruitt, Rhinehart, Turner, L. (Shelby) -- 11.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1861 and have this statement entered in the Journal.

Rep. Gene Davidson

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2533; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REGULAR CALENDAR, CONTINUED**

House Bill No. 0925 -- Tort Liability -- Abolishes common law torts of criminal conversation and seduction. Amends TCA 28-3-104. Repeals TCA 20-1-106.

Further consideration of House Bill No. 925, previously

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considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 925 was made to conform with Senate Bill No. 1087.

On motion, Senate Bill No. 1087, on same subject, was substituted for House Bill No. 925.

Rep. Buck moved that Senate Bill No. 1087 be passed on third and final consideration.

Rep. Buck moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Williams moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1087 by deleting from the effective date section the word, figures and symbols "July 1, 1990" and by substituting instead the word, figures and symbols "January 1, 1991".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved that Senate Bill No. 1087, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

House Bill No. 2270 -- Hospitals and Health Care Facilities -- Increases cap on contingency or epidemic reserves required to be

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maintained by hospital services corporations. Amends TCA, Titles 56, 68.

Further consideration of House Bill No. 2270, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 2270 was made to conform with Senate Bill No. 2231.

On motion, Senate Bill No. 2231, on same subject, was substituted for House Bill No. 2270.

Rep. Robinson (Davidson) moved that Senate Bill No. 2231 be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Robinson (Davidson) moved that Senate Bill No. 2231 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	87
Noes. . . . .	7

Representatives voting aye were: Anderson, Armstrong, Austin, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hobbs, Holcomb, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 87.

Representatives voting no were: Bell, Hillis, Holt, Phillips, Stallings, Stamps, Wolfe -- 7.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to present not voting on Senate Bill No. 2231 and have this statement entered in the Journal.

Rep. Gary Odom

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**REQUEST TO CHANGE VOTE**

**MR. SPEAKER:** Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to yes on Senate Bill No. 2231 and have this statement entered in the Journal.

Rep. Randy Stamps

**MESSAGE FROM THE SENATE  
April 12, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 705; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REGULAR CALENDAR, CONTINUED**

**\*House Joint Resolution No. 0735 --** General Assembly, Statement of Intent or Position -- Supports consolidation of Metro General Hospital with Meharry Hubbard Hospital.

Further consideration of House Joint Resolution No. 735, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Love moved that House Joint Resolution No. 735 be adopted, which motion prevailed.

A motion to reconsider was tabled.

**House Bill No. 2063 --** Solid Waste Disposal -- Reduces civil penalty for violations of hazardous wastes law. Amends TCA, Title 68, Chs. 27, 31, 33, 46.

Further consideration of House Bill No. 2063, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Henry (Roane) moved that House Bill No. 2063 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2063 by deleting Section 1 in its entirety and by substituting instead the following:



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Section 1. Tennessee Code Annotated, Section 68-46-108(n), is amended by deleting the last sentence thereof and by substituting instead the following:

The provisions of this subsection and the regulations adopted pursuant to Section 68-46-107(d)(10) shall not apply to any application for a permit for a facility if the application was filed with the department, or if the planned facility was under review by the department in anticipation of the filing of the application, on or before July 1, 1989.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Henry (Roane) moved that House Bill No. 2063, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	87
Noes . . . . .	5
Present and not voting . . . . .	1

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Halteman, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 87.

Representatives voting no were: Davis (Gibson), Davis (Knox), Gunnels, Hobbs, Jackson -- 5.

Representatives present and not voting were: Armstrong -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from yes to no on House Bill No. 2063 and have this statement entered in the Journal.

Rep. Floyd Crain

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REGULAR CALENDAR, CONTINUED

**Senate Bill No. 2502 -- Sports -- Makes toughman contests lawful. Amends TCA, Title 68, Ch. 50.**

Further consideration of Senate Bill No. 2502, previously considered on April 4, 1990, at which time it was substituted for House Bill No. 2465, failed for lack of a constitutional majority, and re-referred to the Calendar and Rules Committee. On April 10, 1990, the Calendar and Rules Committee placed it on the Calendar for April 11, 1990, then it was reset to the Calendar for April 12, 1990.

Rep. Yelton moved that Senate Bill No. 2502 be passed on third and final consideration.

Rep. Henry (Putnam) moved the previous question, which motion he then withdrew.

Rep. Henry (Roane) moved the previous question, which motion prevailed.

Rep. Yelton moved that Senate Bill No. 2502 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	71
Noes. . . . .	14
Present and not voting. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Cain, Callicott, Coffey, Cole, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DePriest, Dixon, Gaia, Givens, Good, Gunnels, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Napier, Nuber, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Starnes, Turner, L. (Shelby), Ussey, Webb, Wheeler, Whitson, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 71.

Representatives voting no were: Austin, Byrd, Chiles, Crain, Garrett, Halteman, Herron, Jackson, Kisber, Odom, Scruggs, Turner, C. (Shelby), West, Williams -- 14.

Representatives present and not voting were: Davis (Gibson), DeBerry, Hobbs -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a

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desire to change my original stand from not voting to no on Senate Bill No. 2502 and have this statement entered in the Journal.

Rep. Randy Stamps

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2078 -- Smoking -- Includes nicotine abuse in substance abuse programs. Amends TCA, Titles 33, 49.**

On motion, House Bill No. 2078 was made to conform with Senate Bill No. 1768.

On motion, Senate Bill No. 1768, on same subject, was substituted for House Bill No. 2078.

Rep. Dixon moved that Senate Bill No. 1768 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	90
Noes . . . . .	0
Present and not voting . . . . .	6

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives present and not voting were: Bragg, Davidson, DeBerry, Head, Hobbs, Naifeh -- 6.

A motion to reconsider was tabled.

**House Bill No. 2030 -- Courts, Juvenile -- Clarifies that certain funds distributed to juvenile courts by the Tennessee commission on children and youth be distributed equally to all juvenile courts. Amends TCA 37-3-103.**

Further consideration of House Bill No. 2030, previously considered on April 11, 1990, at which time reset to the calendar for April 12, 1990.

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On motion, House Bill No. 2030 was made to conform with Senate Bill No. 1799.

On motion, Senate Bill No. 1799, on same subject, was substituted for House Bill No. 2030.

Rep. Holcomb moved that Senate Bill No. 1799 be passed on third and final consideration.

Rep. Starnes moved adoption of General Welfare Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 1799 by deleting in its entirety all the amendatory language of Section 1, and by substituting instead the following language:

; provided, however, if any funds, or a portion thereof, are distributed pursuant to §37-1-162(a) to juvenile courts, they shall be equally distributed between all juvenile courts of this state regardless of whether there is more than one (1) such court in a county notwithstanding the provisions of such section. If such supplement funds appropriated during the fiscal year 1990-91, or thereafter, are equal to or greater than the supplement funds appropriated during the fiscal year 1989-90, the amount of funds so distributed to each juvenile court shall not be less than the amount that was distributed to each juvenile court during fiscal year 1989-90. If such supplement funds appropriated during the fiscal year 1990-91, or thereafter, are less than the supplement funds appropriated during the fiscal year 1989-90, or are subjected to across the board budget reductions, the amount of funds so distributed to each juvenile court shall be distributed on a percentage basis of that amount distributed during fiscal year 1989-90, and the provision of this act requiring equal distribution between all juvenile courts shall not apply. The provisions of this act requiring equal distribution of funds distributed pursuant to §37-1-162(a) shall apply only to juvenile courts in existence on the effective date of this act and shall not apply to any juvenile court created after such date;

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 1799 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

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Section \_\_\_\_\_. The provisions of this act shall only apply to distributions made during the 1990-91 fiscal year, and thereafter this act shall cease to be effective.

On motion, Amendment No. 2 failed to be adopted.

Rep. Holcomb moved that **Senate Bill No. 1799** be passed on third and final consideration.

Rep. Purcell moved that **Senate Bill No. 1799** be re-referred to the Calendar and Rules Committee.

Rep. Holcomb moved to table the motion to re-refer, which motion failed.

Thereupon, Rep. Purcell renewed his motion to re-refer **Senate Bill No. 1799** to the Calendar and Rules Committee, which motion prevailed by the following vote:

Ayes. . . . .	57
Noes. . . . .	37
Present and not voting. . . . .	1

Representatives voting aye were: Armstrong, Austin, Bell, Bivens, Bragg, Buck, Byrd, Cain, Clark, Collier, Cross, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Head, Herron, Hillis, Hobbs, Holt, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Love, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Odom, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), West, Whitson, Williams, Winningham, Wix, Wolfe, Mr. Speaker Murray -- 57.

Representatives voting no were: Anderson, Bittle, Burchfield, Burnett, Callicott, Chiles, Cole, Crain, Curlee, Davis (Cocke), Davis (Knox), Gaia, Good, Haun, Henry (Putnam), Henry (Roane), Holcomb, Hubbard, Huskey, Jackson, Kent, King, McAfee, McDaniel, Moore (Shelby), Peroulas, Robinson (Washington), Scruggs, Severance, Sipes, Stamps, Turner, L. (Shelby), Ussery, Webb, Wheeler, Wood, Yelton -- 37.

Representatives present and not voting were: Pinion -- 1.

**\*House Bill No. 1572 -- Tort Liability -- Enacts "Tort Reform Law of 1990". Amends TCA, Titles 16--29, 56.**

Further consideration of **House Bill No. 1572**, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Clark moved that **House Bill No. 1572** be passed on third and final consideration.

Rep. Clark moved to amend as follows:

Amendment No. 1

AMEND House Bill No. 1572 by deleting all language added by House Judiciary Committee Amendment 1.

AND FURTHER AMEND by deleting SECTIONS 1, 2, and 3 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 20-12-132, is amended by deleting subsection (a) and substituting instead the following:

(a) If it appears to the court that the pauper's oath was not true, the court may require the payment of applicable costs and bond or it may dismiss the cause without prejudice, as the court may determine justice requires.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Thereupon, Rep. Clark moved that House Bill No. 1572, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

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**\*House Bill No. 1570 -- Taxes, Sales -- Exempts certain items from sales tax. Amends TCA, Title 67, Ch. 6.**

Further consideration of House Bill No. 1570, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Bragg moved that House Bill No. 1570 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1570 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 6, Part 3, is amended by adding the following new section:

Section \_\_\_\_\_. There shall be exempt from the sales or use tax tangible personal property or taxable services sold, given or donated to national organizations of state legislators, or any non-profit corporations acting as agents for such organizations, in connection with national meetings to be held in this state.

SECTION 2. This act shall take effect on becoming law, the public welfare requiring it, and shall apply to privileges exercised between May 1, 1989 and October 31, 1990, and shall be repealed on November 1, 1990.

On motion, Amendment No. 1 was adopted.

Rep. Severance moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 1570 by adding the following as a new section immediately preceding the effective date section and by redesignating the effective date section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 67-6-330(a), is amended by adding the following as a new subdivision to be appropriately designated:

( ) Gross receipts from the sale of tickets to any soccer event held by the World Cup Organizing Committee on behalf of the Federation Internationale

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de Football Association (FIFA) during 1994 in the state of Tennessee.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Bragg moved that House Bill No. 1570, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

House Bill No. 1322 -- Medicine, Practice of -- Requires proof of completion of approved United States training programs prior to licensure. Amends TCA, Title 63, Ch. 6.

Further consideration of House Bill No. 1322, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 1322 was made to conform with Senate Bill No. 583.

On motion, Senate Bill No. 583, on same subject, was substituted for House Bill No. 1322.

Rep. Chiles moved that Senate Bill No. 583 be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Starnes moved adoption of General Welfare Committee Amendment No. 2 as follows:



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Amendment No. 1

Amend Senate Bill No. 583 by deleting the last sentence from the second new section added by the provisions of House General Welfare Committee Amendment No. 1, which sentence reads as follows:

After June 30, 1995, no person graduating from a medical school whose curriculum is not judged to be acceptable by the board shall be entitled to be licensed under this sub-paragraph.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Chiles moved that Senate Bill No. 583, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

\*House Bill No. 0121 -- Correctional Programs -- Provides that office of legal services give legal opinions at request of chairman of select oversight committee on corrections. Amends TCA, Titles 3, 4, 9, 39--41.

Further consideration of House Bill No. 121, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 121 was made to conform with Senate Bill No. 398.

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On motion, **Senate Bill No. 398**, on same subject, was substituted for House Bill No. 121.

Rep. Halteman moved that **Senate Bill No. 398** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Halteman moved that **Senate Bill No. 398** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**House Bill No. 2245 -- Energy --** Requires municipalities to adopt all or none of provisions regulating energy production facilities. Amends TCA, Title 7, Ch. 54, Pt. 1.

Further consideration of House Bill No. 2245, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Armstrong moved that House Bill No. 2245 be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 2505 -- Education --** Broadens Drug Abuse Resistance Education Act of 1989. Amends TCA, Title 49, Ch. 2, Pt. 1.

Further consideration of House Bill No. 2505, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

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Rep. Armstrong moved that House Bill No. 2505 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2505 by deleting Sections 1 through 6 of the bill and substituting instead the following:

SECTION 1. Any county with a population of not less than three hundred fifteen thousand (315,000) nor more than three hundred twenty-five thousand (325,000) according to the 1980 federal census or any subsequent federal census, is authorized to establish drug free zones.

SECTION 2. (a) A drug free zone is an area inclusive of any property used for school purposes by any school, within one thousand (1,000) feet of any such property, and school buses. For purposes of this act, "school" means any public or private elementary, secondary, or vocational-technical school and "school property" means all property used for school purposes, including, but not limited to, school playgrounds.

(b) The local governing authority which has jurisdiction over zoning matters in which each drug free zone is located shall publish a map clearly indicating the boundaries of each drug free zone in accordance with the specifications in subsection (a). The drug free zone map shall be made an official public document and placed with the county clerk.

(c)(1) The superintendent, with the approval of the board of education, shall develop a method by which to mark drug free zones, including the use of signs or other markings suitable to the situation. Signs or other markings shall be located in a visible manner on or near each school and in each school bus indicating that such area is a drug free zone, that such zone extends to one thousand (1,000) feet of school property, and that a violation of Tennessee Code Annotated, Section 57-5-301, or Tennessee Code Annotated, Title 37, Chapter 17, Part 4, will subject the offender to severe penalties under law. The state board of education shall assist the local education agency with providing for the posting required in this subsection.

(2) The chief law enforcement officer of an authorizing jurisdiction shall coordinate and provide rules for the establishment of toll free telephone numbers for use in submitting anonymous information regarding drug activity to local law enforcement

agencies. Such telephone numbers shall be displayed on the drug free zone signs.

(d) It is unlawful for any person to cover, remove, deface, alter, or destroy any sign or other marking identifying a drug free zone as provided in this section.

### SECTION 3.

(a) Any person who violates Tennessee Code Annotated, Section 57-5-301, or is found guilty of a felony under Tennessee Code Annotated, Title 37, Chapter 17, Part 4, while on any property used for school purposes by any school, within one thousand (1,000) feet of any such property, or while on a school bus shall be punished in accordance with subsection (d).

(b) Lack of knowledge that the prohibited act occurred on or within one thousand (1,000) feet of school property shall not be a defense.

(c) A violation of this section within one thousand (1,000) feet of school property shall not include an act which occurs entirely within a private residence wherein no person seventeen (17) years of age or under was present.

(d) (1) On a first conviction, whoever violates a provision of this section shall be punished by the imposition of the maximum fine and not less than one-half (1/2) nor more than the maximum term of imprisonment authorized by the applicable provisions of Tennessee Code Annotated, Section 57-5-301, or Tennessee Code Annotated, Title 37, Chapter 17, Part 4, with the minimum mandatory term of imprisonment being served without benefit of parole, probation, or suspension of sentence, provided in no case shall the term of imprisonment be less than the minimum term provided in Tennessee Code Annotated, Section 57-5-301, or Tennessee Code Annotated, Title 37, Chapter 17, Part 4.

(2) On a second or subsequent conviction, whoever violates a provision of this section shall be punished by the imposition of the maximum fine and maximum term of imprisonment authorized by the applicable provisions of Tennessee Code Annotated, Section 57-5-301, or Tennessee Code Annotated, Title 37, Chapter 17, Part 4, without benefit of parole, probation, or suspension of sentence. An offense shall be considered a second or subsequent offense, if, prior to the commission of such offense, the

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offender had at any time been convicted of any felony violation of this state, the United States, or any other state, relating to an act prohibited by such jurisdiction's drug control statutes.

SECTION 4. This act shall take effect on July 1, 1990, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2505 by deleting SECTION 5 and renumbering the subsequent sections accordingly.

On motion, Amendment No. 2 was adopted.

Rep. Armstrong moved that Amendment No. 3 be withdrawn, which motion prevailed.

Thereupon, Rep. Armstrong moved that House Bill No. 2505, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

House Bill No. 2447 -- Financial Disclosure -- Requires certain reports to registry to be made by telegram. Amends TCA, Title 2, Ch. 10.

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Further consideration of House Bill No. 2447, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 2447 was made to conform with Senate Bill No. 2444.

On motion, Senate Bill No. 2444, on same subject, was substituted for House Bill No. 2447.

Rep. Williams moved that Senate Bill No. 2444 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2444 by inserting the following language in the amendatory language of Section 1 after the word "telegram" and before the words "file a report":

, by electronic facsimile machine or by personal delivery

AND FURTHER AMEND by adding the following language as a new, appropriately designated section immediately preceding the effective date section, and by renumbering the effective date section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 2-10-105(h), is further amended by adding the following language as a new item (3):

(3) The reports filed pursuant to this subsection shall be filed in a format or on a form acceptable to the registry.

Rep. Kisber moved to amend as follows:

Amendment No. 1 to Amendment No. 1

AMEND Senate Bill No. 2444 by deleting the section which reads as follows:

"SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 2-10-105(h), is further amended by adding the following language as a new item (3):

(3) The reports filed pursuant to this subsection shall be filed in a format or on a form acceptable to the registry."

and by substituting instead the following section:

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"SECTION \_\_\_\_ Tennessee Code Annotated, Section 2-10-105(h), is further amended by adding the following language as a new item (3):

(3) The registry shall develop appropriate forms for the report required by this subsection and make such forms available to the candidates and the county election commissions."

AND FURTHER AMEND by deleting "(b)" from the amendatory language of Section 1, as amended by the Senate, and substituting "(h)".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Kisber moved to amend as follows:

Amendment No. 2 to Amendment No. 1

Amend Senate Bill No. 2444 by deleting the language of Amendment No. 1 in its entirety and by substituting instead the following:

by deleting all language of the bill following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 2-10-105(h), is amended by deleting from the first sentence the words "shall file a report" and by substituting instead the words "shall by telegram, facsimile machine, hand deliver or overnight mail delivery file a report".

Section 2. Tennessee Code Annotated, Section 2-10-105(h), is further amended by adding the following language as a new item (3):

(3) The registry shall develop appropriate forms for the report required by this subsection and make such forms available to the candidates and the county election commissions.

Section 3. This act shall take effect on July 1, 1990, the public welfare requiring it.

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

Thereupon, Rep. Williams moved that Amendment No. 1, as amended, be adopted which motion prevailed.

Thereupon, Rep. Williams moved that Senate Bill No. 2444, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . . 93  
Noes. . . . . 1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives voting no were: Turner, L. (Shelby) -- 1.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0729** -- General Assembly, Statement of Intent or Position -- Expresses commitment to raising amount of A.F.D.C. cash grants to reasonable level.

Rep. R. Jones moved that House Joint Resolution No. 729 be adopted, which motion prevailed.

A motion to reconsider was tabled.

**House Bill No. 2001** -- Flags -- Prohibits manufacturing or selling state flag not in compliance. Amends TCA 4-1-301, 8-3-104.

Further consideration of House Bill No. 2001, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 2001 was made to conform with Senate Bill No. 1641.

On motion, **Senate Bill No. 1641**, on same subject, was substituted for House Bill No. 2001.

Rep. Davis (Cocke) moved that **Senate Bill No. 1641** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Davis (Cocke) moved that **Senate Bill No. 1641** be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes. . . . . 94  
Noes. . . . . 2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives voting no were: Callicott, Jackson -- 2.

A motion to reconsider was tabled.

House Bill No. 2267 -- Fees -- Increases fees for health maintenance organizations. Amends TCA, Titles 56, 68.

Rep. Robinson (Davidson) moved that House Bill No. 2267 be re-referred to the Calendar and Rules Committee, which motion prevailed.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2546, substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2342; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 604 and 650; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

\*Senate Joint Resolution No. 0604 -- Highway Signs -- Designates certain portion of U.S. Highway 149 as "Dr. Joe Morgan Memorial Highway".

Senate Joint Resolution No. 0650 -- Memorials, Personal Occasion -- Honors Mr. and Mrs. Andrew Gene Wilde on 50th anniversary.

REGULAR CALENDAR, CONTINUED

House Bill No. 1966 -- Motor Vehicles -- Increases civil penalty for violations of laws or regulations on motor vehicles sales licenses. Amends TCA, Title 55.

Further consideration of House Bill No. 1966, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Wheeler moved that House Bill No. 1966 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2248 -- Health -- Requires health care providers to provide copy of medical records to certain persons upon request.

Further consideration of House Bill No. 2248, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 2248 was made to conform with Senate Bill No. 1907.

On motion, Senate Bill No. 1907, on same subject, was substituted for House Bill No. 2248.

Rep. Davis (Knox) moved that Senate Bill No. 1907 be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Herron moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1907 by inserting the following

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between the first and second sentences of subsection (b) of SECTION 1 as amended and between the third and fourth sentences of subsection (a) of SECTION 2 as amended:

Provided, however, nothing in this section shall be construed as superceding any provision of law that establishes specific costs for the reproduction, copying or mailing of records.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davis (Knox) moved that Senate Bill No. 1907, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	0

Representatives voting aye were: Anderson, Austin, Bell, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Yelton -- 88.

A motion to reconsider was tabled.

**House Bill No. 1274 -- Taxes, Privilege -- Enacts "Local Option Solid Waste Disposal Tax Act of 1989". Amends TCA, Titles 67, 68.**

Rep. Head moved that House Bill No. 1274 be re-referred to the Calendar and Rules Committee, which motion prevailed.

**\*House Bill No. 0169 -- Motor Vehicles, Titling and Registration -- Provides for special license plates for any qualifying organization. Amends TCA, Title 55, Ch. 4, Pt. 2.**

Rep. Dixon moved that House Bill No. 169 be re-referred to the Calendar and Rules Committee, which motion prevailed.

**\*House Joint Resolution No. 0689 -- Highway Signs -- Provides for directional signs to Memphis Area Vocational Technical School.**

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Rep. Kernell moved that House Joint Resolution No. 689 be adopted.

Rep. Yelton moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Joint Resolution No. 689 by adding the following at the end of the first resolving clause:

Provided however, this resolution shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this resolution shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Kernell moved that House Joint Resolution No. 689, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

**\*House Bill No. 2494 -- State Officials -- Provides for salary adjustments of certain state officials. Amends TCA 8-1-102, 8-23-101.**

On motion of Rep. Bragg, House Bill No. 2494 was withdrawn from the House.

**House Bill No. 1964 -- Election Laws -- Authorizes runoff elections in cities having mayor alderman government. Amends TCA, Title 6.**

Further consideration of House Bill No. 1964, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 1964 was made to conform with Senate Bill No. 1909.

On motion, Senate Bill No. 1909, on same subject, was substituted for House Bill No. 1964.

Rep. Stamps moved that Senate Bill No. 1909 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

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On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2.

Rep. Wheeler moved adoption of State and Local Government Committee Amendment No. 3 as follows:

**Amendment No. 1**

Amend Senate Bill No. 1909 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply to any municipality located in any county having a population in excess of seven hundred thousand (700,000) according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. Stamps moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 1909 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Stamps moved that Senate Bill No. 1909, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	86
Noes. . . . .	7

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DePriest, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart,

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Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 86.

Representatives voting no were: Crain, Davis (Cocke), DeBerry, Dixon, Huskey, Jackson, Turner, L. (Shelby) -- 7.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 112.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REGULAR CALENDAR, CONTINUED**

\*House Bill No. 2427 -- Purchasing -- Enacts "The Public Costs Savings Act of 1990".

Further consideration of House Bill No. 2427, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 2427 was made to conform with Senate Bill No. 2465.

On motion, Senate Bill No. 2465, on same subject, was substituted for House Bill No. 2427.

Rep. Cross moved that Senate Bill No. 2465 be passed on third and final consideration.

Rep. Copeland moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 2465 by adding the following new Section 4:

This act shall not be applicable to purchases made through any group purchasing organization whose membership is limited exclusively to Tennessee public hospitals and, furthermore, nothing in this act shall be construed to grant authority for the organization and operation of a

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group purchasing entity whose membership is limited exclusively to public hospitals.

And by renumbering subsequent sections accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Cross moved that **Senate Bill No. 2465**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**House Bill No. 2215 -- Teenage Pregnancy -- Enacts "Dropout Prevention Act of 1990". Amends TCA, Titles 49, 71.**

Further consideration of House Bill No. 2215, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. DeBerry moved that House Bill No. 2215 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2215 by deleting in its entirety subsection (d) of the first Section 4 in the introduced bill, and by renumbering subsequent subsections accordingly.

On motion, Amendment No. 1 was adopted.

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Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2215 by respectively renumbering section designations "SECTION 4, SECTION 4, SECTION 5, SECTION 6, SECTION 7, SECTION 8" as "SECTION 4, SECTION 5, SECTION 6, SECTION 7, SECTION 8, SECTION 9".

AND FURTHER AMEND by deleting from SECTION 8, as redesignated by this amendment, the words and figures "by adding Sections 1 through 6 of this act" and by substituting instead the words and figures "by adding Sections 1 through 7 of this act".

On motion, Amendment No. 2 was adopted.

Rep. Davidson moved adoption of Education Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2215 by deleting from Section 4(a) the words and punctuation "one-time, planning and implementation grant to establish a model teen learning center." and by substituting instead the following:

"one-time, start-up grant to provide the first year's funding for planning, implementation, and operation of a model teen learning center: the amount of such grant not to exceed the maximum amount prescribed by the department for such grants."

AND FURTHER AMEND by deleting from Section 4(b) the words "Upon establishment of a model teen learning center" and by substituting instead the following:

"During the second and subsequent years following establishment of a model teen learning center".

On motion, Amendment No. 3 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 4

AMEND House Bill No. 2215 by deleting all language following the enacting clause and by substituting instead the following:



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SECTION 1. This act shall be known and may be cited as the "Dropout Prevention Act of 1990".

SECTION 2. In order to reduce the number of teen parents who drop out of school, to improve the long-term employability of such parents, to reduce welfare dependency, to enhance parenting skills, to increase the availability of quality day care, and to improve student awareness of the realities and difficulties inherent in parenthood at an early age, the department of education is hereby authorized to establish the model teen learning center program.

SECTION 3. As used in this act, "teen learning center" shall mean a public school based facility which provides day care and parenting training services for teen parents who are enrolled as students.

SECTION 4.

(a) If the most recent, annual data maintained by the Tennessee department of health and environment, state center for health statistics, indicates for any county that the pregnancy rate exceeded sixty-eight (68) pregnancies per one thousand (1,000) females aged fifteen (15) through seventeen (17), then each local education agency within the county may apply to the department of education for a one-time, start-up grant to provide first year funding for planning, implementation, and operation of a model teen learning center.

(b) During the second and subsequent years following establishment of a model teen learning center, the local education agency may annually apply to the department of education for an operating grant to assist in defrayal of the center's expenses. Any such operating grant shall not exceed one-half (1/2) of the difference between the center's annual income and annual operating expenses. If, after establishment of a model teen learning center, a reduction in the teen pregnancy rate occurs within the county, a local education agency shall not thereby be rendered ineligible to apply for and receive such operating grants.

(c) Each application for a start-up grant or for an operating grant shall include a two (2) year projected budget. The projected budget shall include the center's anticipated income from local, state, federal and other sources. The department of education and the department of human services shall jointly undertake appropriate actions to assure full receipt and utilization of family support funds as well as any other federal, state, or other funding

sources available to defray the expense of day care for the teen parents of children who are enrolled in model teen learning centers.

(d) The provisions of this act shall not be construed as constituting an appropriation of public funds.

SECTION 5.

(a) Each model teen learning center shall operate day care services in accordance with standards identical to the day care standards adopted and otherwise enforced by the department of human services. For the duration of such grant period or periods, state day care inspection and enforcement responsibilities and powers with respect to a model teen learning center shall be vested in and performed by the department of education; and such responsibilities and powers shall be the same as established by law for the department of human services.

(b) The children of teen parents who enroll or who are enrolled as students shall be given priority for day care services within a model teen learning center. In enrolling children for day care services, model teen learning centers may give priority to children who are between the ages of six (6) weeks and thirty-six (36)

months and may also give priority to the children of first-time teen mothers.

(c) Upon request of a local education agency, the department of education and the department of human services shall provide the joint program of technical assistance and services established pursuant to the provisions of Tennessee Code Annotated, Section 49-1-206.

SECTION 6.

(a) In order to learn and enhance child development and parenting skills, the mother of a child enrolled within a model teen learning center shall participate in the center's program of child care and instruction.

(b) The department of education may require model teen learning centers to offer one or more elective courses for any interested students in order to provide such students with instruction and direct experience concerning child development and parenting skills.

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SECTION 7. In accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, the department of education shall promulgate such rules as may be necessary to implement and administer the provisions of this act in an efficient and effective manner.

SECTION 8. On or before January 15th, the department of education, after consultation with the department of human services, shall annually report to the governor and to each member of the general assembly the department's findings and recommendations concerning the efficiency and effectiveness of the model teen learning centers in achieving the objectives set forth within the provisions of Section 2.

SECTION 9. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding Sections 1 through 8 of this act.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Rep. Wood moved to amend as follows:

Amendment No. 5

AMEND House Bill No. 2215 by deleting from the amendatory language of Section 4 (b) the words "also give priority to the children of first-time teen mothers." and by substituting instead the words "limit the program to the children of first-time teen mothers. Any student enrolled in such program who becomes pregnant for a second time shall not be permitted to continue in the program."

AND FURTHER AMEND BY adding to the amendatory language of Section 4 the following as a new subsection to be appropriately designated:

( ) Any material published to advertise or promote such programs shall prominently display the fact that such programs are limited to first-time teen mothers.

Rep. Purcell moved that Amendment No. 5 be tabled, which motion prevailed.

Thereupon, Rep. DeBerry moved that House Bill No. 2215, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

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Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**House Bill No. 2031 -- County Officers --** Revises county classifications; establishes salaries of officers. Amends TCA, Title 8, Chs. 22, 24.

Further consideration of House Bill No. 2031, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. Kisber moved that House Bill No. 2031 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2031 by deleting the language of the bill following the enacting clause in its entirety and substituting instead the following:

Section 1. Effective September 1, 1993, Tennessee Code Annotated, Section 8-24-102(a), is amended by deleting the following: "may receive maximum compensation" and substituting instead the following: "shall receive compensation".

Section 2. Effective September 1, 1990, Tennessee Code Annotated, Section 8-24-102, is amended by adding the following as a new subsection (j):

(j) The maximum compensation for each officer enumerated in Section 8-22-101 shall be raised, effective September 1, 1990, and September 1, 1991, to an amount five percent (5%) greater than the compensation provided by this section on the previous September 1.

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Section 3. Effective September 1, 1993, subsection (j) of Tennessee Code Annotated, Section 8-24-102, shall be amended by deleting the word "maximum".

Section 4. Effective September 1, 1993, Tennessee Code Annotated, Section 8-24-103, is amended by deleting subsection (a) and by redesignating the subsequent subsections accordingly.

Section 5. Effective September 1, 1990, Tennessee Code Annotated, Section 8-24-104, is amended by adding the following as new subsections (j) and (k):

(j) The compensation for each officer provided herein shall be raised, effective September 1, 1990, and September 1, 1991, to an amount five percent (5%) greater than the compensation provided by this section on the previous September 1.

(k) In addition to any other increase provided by law, the compensation for each officer provided herein shall be raised by two thousand dollars (\$2,000) per year on September 1, 1990, September 1, 1991, and September 1, 1992.

Section 6. Effective September 1, 1993, Tennessee Code Annotated, Section 8-24-104, is amended by deleting subsection (a) and substituting instead the following:

(a) In order to secure the services of competent officials in all counties, in no case shall the officers enumerated in Section 8-22-101 receive annual compensation of less than the amount established by Section 8-24-102.

Section 7. Effective September 1, 1993, Tennessee Code Annotated, Section 8-24-104(b), is amended by deleting subdivisions (2) and (4) and by renumbering the subdivisions accordingly.

Section 8. Effective September 1, 1990, Tennessee Code Annotated, Section 8-24-104(b), is amended by deleting the following: "three thousand six hundred dollars (\$3,600)" from the subsection and by substituting instead the following: "five thousand six hundred dollars (\$5,600)".

Section 9. Effective September 1, 1993, Tennessee Code Annotated, Section 8-24-104, is amended by deleting subsections (d) through (j) in their entirety.

Section 10. Effective September 1, 1993, Tennessee Code Annotated, Section 8-24-106(a), is amended by deleting the first sentence of such subsection and by substituting instead the following:

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Each official whose salary is required to be supplemented from the county general fund shall keep a book account of all fees collected and make an annual report of the collections to the county executive.

Section 11. Effective September 1, 1993, Tennessee Code Annotated, Section 8-24-106(c), is amended by deleting the word "minimum".

Section 12. Effective September 1, 1993, Tennessee Code Annotated, Section 8-24-107, is amended by deleting the language of the section and substituting instead the following:

If the total fees collected by the officials enumerated in Section 8-22-101, after deduction for the legally authorized expenses of the office, including but not limited to, salaries of deputies and assistants, are not sufficient to pay the salary required by Section 8-24-102, then the remainder of such salary shall be paid out of the general funds of the county by warrant drawn on the general funds of the county in the hands of the trustee.

Section 12. Effective September 1, 1993, Tennessee Code Annotated, Section 8-24-108, is amended by deleting the following figures: "8-24-110" wherever they appear and substituting instead the figures: "8-24-109".

Section 14. Effective September 1, 1993, Tennessee Code Annotated, Section 8-24-110, is amended by deleting the section in its entirety.

Section 15. Effective September 1, 1990, Tennessee Code Annotated, Section 8-22-101, is amended by deleting the following:

in all counties of this state having a population of more than six hundred thousand (600,000) according to the 1960 federal census or any subsequent federal census

and by substituting instead the following:

, juvenile court clerks

Section 16. Effective September 1, 1990, Tennessee Code Annotated, Section 8-22-103, is amended by deleting the following:

in all counties of this state having a population of more than six hundred thousand (600,000) according to the 1960 federal census or any subsequent federal census

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and by substituting instead the following:

, juvenile court clerks

Section 17. Effective September 1, 1993, Tennessee Code Annotated, Section 8-22-104, is amended by deleting the word "maximum" wherever it appears in subsection (a)

Section 18. Effective September 1, 1993, Tennessee Code Annotated, Section 8-22-116, is amended by deleting the section in its entirety.

Section 19. Any increase in expenditures by a county resulting from the increase provided for herein shall be appropriated from funds that the county receives from the state government that are not earmarked by statute for a particular purpose.

Section 20. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 21. Sections 2, 5, 8, 15, 16, 19 and 20 of this act shall take effect on September 1, 1990, the public welfare requiring it. Sections 1, 3, 4, 6, 7, 9 through 14, 17 and 18 of this act shall take effect on September 1, 1993, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that House Bill No. 2031 be passed on third and final consideration, as amended, which motion prevailed by the following vote:

Ayes. . . . .	75
Noes. . . . .	16
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wood, Mr. Speaker Murray -- 75.

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Representatives voting no were: Byrd, Cain, Davis (Knox), Hassell, Holcomb, Jones, R. (Shelby), Kent, Moore (Shelby), Niceley, Peroulas, Shirley, Turner, C. (Shelby), Turner, L. (Shelby), Williams, Wolfe, Yelton -- 16.

Representatives present and not voting were: Scruggs -- 1.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from yes to no on House Bill No. 2031 and have this statement entered in the Journal.

Rep. Beth Halteman

#### REGULAR CALENDAR, CONTINUED

House Bill No. 1394 -- Crime, Victims of -- Enacts "Victims Bill of Rights".

Further consideration of House Bill No. 1394, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 1394 was made to conform with Senate Bill No. 1424.

On motion, Senate Bill No. 1424, on same subject, was substituted for House Bill No. 1394.

Rep. West moved that Senate Bill No. 1424 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. West moved that Senate Bill No. 1424 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron,



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Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 2424 -- Taxes, Excise -- Provides for state taxation of certain banking operations. Amends TCA 45-2-1202; Title 67, Ch. 4, Pts. 8, 9.**

Further consideration of House Bill No. 2424, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 2424 was made to conform with Senate Bill No. 2515.

On motion, Senate Bill No. 2515, on same subject, was substituted for House Bill No. 2424.

Rep. Kisber moved that Senate Bill No. 2515 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

Rep. Kisber moved that Senate Bill No. 2515 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	74
Noes . . . . .	16
Present and not voting . . . . .	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Clark, Cole, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Sipes, Stallings, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler,

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**Williams, Winningham, Wix, Wolfe, Yelton, Mr. Speaker Murray -- 74**

**Representatives voting no were: Bittle, Burchfield, Callicott, Coffey, Crain, Curlee, Davis (Knox), Harrill, Hassell, McAfee, Peroulas, Scruggs, Severance, Stamps, Whitson, Wood -- 16.**

**Representatives present and not voting were: Halteman, West -- 2.**

**A motion to reconsider was tabled.**

**REQUEST TO CHANGE VOTE**

**MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to yes on Senate Bill No. 2515 and have this statement entered in the Journal.**

**Rep. Zane Whitson**

**REQUEST TO CHANGE VOTE**

**MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from yes to no on Senate Bill No. 2515 and have this statement entered in the Journal.**

**Rep. Doug Gunnels**

**REQUEST TO CHANGE VOTE**

**MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from present not voting to yes on Senate Bill No. 2515 and have this statement entered in the Journal.**

**Rep. Beth Halteman**

**REQUEST TO CHANGE VOTE**

**MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to yes on Senate Bill No. 2515 and have this statement entered in the Journal.**

**Rep. John Chiles**

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2383 -- Pardons and Paroles -- Mandates achievement of certain basic functional literacy skills as prerequisite of parole. Amends TCA 40-28-115.**

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Rep. Scruggs moved that House Bill No. 2383 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2383 by deleting Section 1 in its entirety and by substituting instead the following:

Tennessee Code Annotated, Section 40-28-115(g)(1), is amended by adding the following new sentence after the first sentence:

Such test shall include as a minimum requirement scoring at an eighth grade reading level.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 2

Amend House Bill No. 2383 by deleting Section 1 in its entirety and by substituting instead the following:

Tennessee Code Annotated, Section 40-28-115(g)(1), is amended by adding the following new sentence after the first sentence:

Such test shall include as a minimum requirement scoring at an eighth grade reading level.

On motion, Amendment No. 2 was adopted.

Rep. Scruggs moved that House Bill No. 2383 be passed on third and final consideration.

Rep. Love moved the previous question, which motion prevailed.

Thereupon, Rep. Scruggs moved that House Bill No. 2383, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox),

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DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunns, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**House Bill No. 2038 -- Drugs -- Enhances punishment for sale or delivery of certain controlled substances to minors. Amends TCA 39-17-417.**

Rep. C. Turner (Shelby) moved that House Bill No. 2038 be passed on third and final consideration.

Rep. Davis (Gibson) moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2038 by deleting the amendatory language of SECTION 1 in its entirety and substituting instead the following:

(k)(1) A violation of subsection (a) of this section involving the delivery or sale of a Schedule I, II, III, IV, or V controlled substance to a minor under the age of twelve (12) years shall be punished one (1) classification higher than is provided in subsections (b)-(f), or (i) of this section for the Schedule I, II, III, IV, or V controlled substance delivered or sold.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. C. Turner (Shelby) moved that House Bill No. 2038, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunns, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry

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(Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 2038 and have this statement entered in the Journal.

Rep. Bill Purcell

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1848; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 196; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1648; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**MESSAGE FROM THE SENATE  
April 12, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution No. 583; amended, and concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**MESSAGE FROM THE SENATE  
April 12, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution No. 588; amended, and concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 0705 -- County Officers --** Includes sheriff in definition of police officer for purposes of qualifications and eligibility for pay supplement in certain circumstances. Amends TCA, Title 38, Ch. 8.

**Senate Amendment No. 1**

Amend House Bill No. 705 by adding after the first sentence of the amendatory language of Section 2 the following:

Provided, however, a sheriff shall meet the requirement of good moral character, but a thorough investigation by the employing agency shall not be required.

**Senate Amendment No. 2**

Amend House Bill No. 705 by deleting the first sentence of the amendatory language of Section 2 and by substituting instead the following:

Sheriffs shall comply with all of the qualification requirements for full-time police officers specified in subsection (a) herein, except for requirements (6) and (7).

**Senate Amendment No. 1 to Amendment No. 2**

Amend House Bill No. 705 by deleting the word and/or number six (6) from amendment No. 2.

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**Senate Amendment No. 3**

Amend House Bill No. 705 by deleting Section 4.

**Senate Amendment No. 4**

AMEND House Bill No. 705 by deleting the language of the bill following the enacting clause in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-8-101(a), is amended by adding the following to said subsection:

Beginning September 1, 1990, the meaning of a full-time police officer shall include the sheriff in each county, unless such sheriff is excluded under the provisions of Section 38-8-110.

SECTION 2. Tennessee Code Annotated, Section 38-8-106, is amended by deleting it in its entirety and replacing it with the following:

(a) After July 1, 1981, any person employed as a full-time police officer, and after January 1, 1989, any person employed/utilized as a part-time/temporary/reserve/auxiliary police officer or as a special deputy, shall:

- (1) Be at least eighteen (18) years of age;
- (2) Be a citizen of the United States;
- (3) Be a high school graduate or possess equivalency;
- (4) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances.
- (5) Not have been released or discharged under any other than honorable discharge from any of the armed forces of the United States;
- (6) Have his fingerprints on file with the Tennessee bureau of investigation;
- (7) Have passed a physical examination by a licensed physician;
- (8) Have a good moral character as

determined by a thorough investigation conducted by the employing agency; and

(9) Be free of all apparent mental disorders as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM-III) of the American Psychiatric Association. Applicants must be certified as meeting these criteria by a qualified professional in the psychiatric or psychological fields.

(b) Sheriffs shall comply with all of the qualification requirements for full-time police officers specified in subsection (a) herein, except for requirements four (4), and seven (7). Sheriffs shall comply with requirement eight (8), but a thorough investigation by the employing agency shall not be required. Any person seeking the office of sheriff shall file with the county election commission, in conjunction with his or her nominating petition, a certificate of qualification affirming that the candidate complies with this section prior to any primary, special, or general election for the office of sheriff; and in the event that a person seeks election to the office of sheriff by the county legislative body to fill an unexpired term, such a certificate shall be filed with the county clerk prior to the election.

SECTION 3. Tennessee Code Annotated, Section 38-8-107, is amended, by adding the following at the end of the first sentence:

"The omission shall issue a certificate of election qualification to any person seeking the office of sheriff who meets the qualifications under the provisions of Section 38-8-106(b)."

Tennessee Code Annotated, Section 38-8-107, is further amended by inserting after the date "1983" the following:

"and all sheriffs to which this chapter applies".

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect on September 1, 1990, the public welfare requiring it.



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**Senate Amendment No. 2 to Amendment No. 4**

Amend House Bill No. 705 by deleting the amendatory language of Section 3, and by substituting instead the following language:

The peace officers training commission shall issue a certificate of election qualification to any person seeking the office of sheriff who meets the provisions of this act.

Rep. Kent moved that the House concur in Senate Amendment(s) No(s). 1, 2, as amended, 3 and 4, as amended, to House Bill No. 705, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Good, Gunnels, Halteman, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representatives voting no were: Givens -- 1.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1871 -- Firearms and Ammunition --** Revises criminal law concerning weapons. Amends TCA, Title 39, Ch. 17, Pt. 13.

**Senate Amendment No. 2**

AMEND House Bill No. 1871 by deleting SECTION 6 in its entirety and substituting instead the following:

SECTION 6. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting it in its entirety and substituting instead the following:

39-17-1307. Unlawful Carrying or Possession of a Weapon.

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(a)(1) A person commits an offense who carries with the intent to go armed a firearm, knife with a blade length exceeding four (4) inches, or a club.

(2) An offense under subsection (a)(1) is a Class C misdemeanor, except it is a Class A misdemeanor if the person's carrying of a handgun occurred at a place open to the public where one (1) or more persons were present.

(b)(1) A person commits an offense who possesses a handgun and:

(A) has been convicted of a felony involving the use or attempted use of force, violence, or a deadly weapon; or

(B) has been convicted of a felony drug offense.

(2) An offense under subsection (b)(1) is a Class E felony.

(c)(1) A person commits an offense who possesses any deadly weapon with intent to employ it in the commission of or escape from an offense.

(2) An offense under subsection (c)(1) is a Class E felony.

AND FURTHER AMEND by deleting SECTION 7 in its entirety and substituting instead the following:

SECTION 7. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting it in its entirety and substituting instead the following:

39-17-1308. Defenses to Unlawful Possession or Carrying of a Weapon.

(a) It is a defense to the application of Section 39-17-1307 if the possession or carrying:

(1) Was of an unloaded rifle, shotgun, or handgun not concealed on or about the person and the ammunition for the weapon was not in the immediate vicinity of the person or weapon; or

(2) Was by a person authorized to possess or carry a firearm pursuant to Section 39-17-1315; or

(3) Was at the person's:

(A) Place of residence; or

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(B) Place of business; or

(c) Premises; or

(4) Was incident to lawful hunting, trapping, fishing, camping, sport shooting, or other lawful activity; or

(5) Was by a person possessing a rifle or shotgun while engaged in the lawful protection of livestock from predatory animals; or

(6) Was by a Tennessee Valley Authority officer who holds a valid commission from the commissioner of safety pursuant to this act while such officer is in the performance of the officer's official duties; or

(7) Is a state, county or municipal judge or any federal judge or magistrate.

(b) The defenses described in this section are not available to persons described in Section 39-17-1307(b)(1).

AND IS FURTHER AMENDED by deleting SECTION 11 in its entirety and substituting instead the following:

SECTION 11. Tennessee Code Annotated, Section 39-13-1302(d), is amended by deleting the current subsection (d) and substituting in its place the following new subsection:

(d) An offense under subsections (a)(1) - (a)(5) is a Class E felony; and an offense under subsection (a)(6) or (a)(7) is a Class A misdemeanor.

AND IS FURTHER AMENDED by adding the following new section to be designated as SECTION 12:

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Burnett moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 1871, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain,

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Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

A motion to reconsider was tabled.

**Senate Amendment No. 3**

Amend House Bill No. 1871 by deleting from the directory language of Section 11 the language "39-13-1302(d)" and by substituting instead the language "39-17-1302(d)".

Rep. Burnett moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 1871, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kent, Kernell, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

\*House Bill No. 2342 -- State Employees -- Clarifies "years of service" on supplemental medical insurance for retirees. Amends TCA, Titles 8, 27, 34, 50.

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**Senate Amendment No. 5**

AMEND House Bill No. 2342 by deleting from subsection (5) of the amendatory language of Section 1 the figures "\$4,000" and substituting instead the figures "\$5,000".

AND FURTHER AMEND by deleting from subsection (e) of the amendatory language of Section 2 the figures "\$4,000" and substituting instead the figures "\$5,000".

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 5 to House Bill No. 2342, which motion prevailed by the following vote:

Ayes. . . . .	86
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 86.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

House Bill No. 1882 -- Sentencing -- Revises criminal code and sentencing law. Amends TCA, Titles 39, 40, 53, 55.

**Senate Amendment No. 1**

AMEND House Bill No. 1882 by deleting Section 18 in its entirety and substituting instead the following:

SECTION 18. Tennessee Code Annotated, Section 40-7-117, is amended by deleting the word "larceny" and substituting instead the words and figure "theft of property with a value of more than five hundred dollars (\$500)".

Rep. Buck moved that the House concur in Senate Amendment(s)

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No(s). 1 to House Bill No. 1882, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Haltman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

House Bill No. 2449 -- Dieticians and Nutritionists -- Requires nursing homes to employ certain trained dietetic personnel. Amends TCA, Title 68, Ch. 11.

Further consideration of House Bill No. 2449, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 2449 was made to conform with Senate Bill No. 2458.

On motion, Senate Bill No. 2458, on same subject, was substituted for House Bill No. 2449.

Rep. Armstrong moved that Senate Bill No. 2458 be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Gaia moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 2458 by deleting in the amendatory language of Section 1 the language

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"on an as needed basis with a professionally qualified dietitian"

and by substituting instead the language

"with a professionally qualified dietitian at least once each week".

Rep. Armstrong moved that Amendment No. 1 be tabled, which motion failed.

Thereupon, Rep. Gaia renewed the motion to adopt Amendment No. 1.

Rep. Burnett moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes. . . . .	51
Noes. . . . .	36

Representatives voting aye were: Austin, Bivens, Burchfield, Byrd, Callicott, Coffey, Cross, Curlee, Davis (Gibson), DePriest, Gaia, Garrett, Givens, Gunnels, Halteman, Hassell, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Moody, Moore (Lawrence), Moore (Shelby), Napier, Nuber, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Shirley, Stallings, Stamps, Turner, C. (Shelby), West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton -- 51.

Representatives voting no were: Anderson, Armstrong, Bittle, Bragg, Buck, Burnett, Cain, Chiles, Cole, Collier, Crain, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Good, Harrill, Haun, Head, Hubbard, Huskey, Jones, U. (Shelby), Kisber, McAfee, McDaniel, Naifeh, Niceley, Purcell, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Ussery, Webb, Winningham -- 36.

Rep. Armstrong moved that Senate Bill No. 2458 be re-referred to the Calendar and Rules Committee, which motion prevailed.

#### MESSAGE CALENDAR, CONTINUED

#### HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 2336 -- Cumberland County -- Prohibits medical waste incinerators.

Rep. Duer moved that Senate Bill No. 2336 be held on the desk, which motion prevailed.

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**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2533 -- Grand Juries --** Authorizes convening of special investigative grand jury under certain circumstances. Amends TCA, Title 40, Ch. 12.

**Senate Amendment No. 4**

Amend House Bill No. 2533 by deleting the second and third sentences of Section 40-12-202 of SECTION 1 and substituting instead the following:

The committee shall meet in person as soon as is reasonably possible to consider the application.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 4 to House Bill No. 2533, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 2546 -- Education, Higher --** Enacts "The Civil Rights Act of 1990".

**Senate Amendment No. 1**

Amend House Bill No. 2546 Section 2(a) is amended by deleting the words "attend or participate" and inserting the word "and/or" between sponsor, organize and deleting "in" after the word participate.



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Senate Amendment No. 2

Amend House Bill No. 2546 by inserting "on behalf of the state" between "agreement" an "with" in subsection 3(a) of the bill.

Rep. L. Turner (Shelby) moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to House Bill No. 2546, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

MESSAGE FROM SENATE  
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MR. SPEAKER: I am directed to request the return of House Bill No. 196, for further consideration.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

HOUSE BILL RETURNED

There being no objection, Rep. Davis (Cocke) asked that the Clerk be directed to return House Bill No. 196 to the Senate, as requested.

CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 112

\*Senate Bill No. 0112 -- Motor Vehicles, Titling and

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Registration -- Creates license plate for U.S. Reserve Forces.  
Amends TCA, Title 55, Ch. 4.

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 112 (House Bill No. 607) has met and recommends that:

- 1) Senate Amendment No. 1 be adopted.
- 2) House Amendments 2 and 3 be receded in by the House.
- 3) Section 3(a) be amended by deleting the language "and the cost of producing the special plate, providing that the fee results in a revenue neutral fee for such plates, and as provided in Tennessee Code Annotated, Section 55-4-203." and by substituting instead the words and figures "and a special fee of seven dollars (\$7.00) when a new or replacement registration plate is issued."

Senator Douglas Henry  
Senator Don Arnold  
Senator Andy Womack

Representative Robb Robinson  
Representative Ralph Yelton  
Representative Paul Starnes

Rep. Starnes moved that the Report of the Conference Committee on Senate Bill No. 112 be adopted and made the action of the House, which motion failed by the following vote:

Ayes. . . . .	30
Noes. . . . .	59

Representatives voting aye were: Bivens, Burchfield, Cole, Davis (Cocke), DePriest, Dixon, Good, Halteman, Harrill, Hillis, Hubbard, Huskey, Kent, Kernell, King, McAfee, McDaniel, Nuber, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Sipes, Stallings, Turner (Hamilton), Ussery, Wheeler, Whitson, Wood, Yelton -- 30.

Representatives voting no were: Anderson, Austin, Bell, Bittle, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), Gaia, Garrett, Givens, Gunnels, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holcomb, Holt, Jackson, Kisber, Love, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Severance, Shirley, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Williams, Winningham, Wix, Wolfe -- 59.

#### HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1648 -- Law Enforcement Training Academy -- Enacts the "Law Enforcement Management Training Program Act". Amends TCA, Title 8.

Senate Amendment No. 2

AMEND House Bill No. 1648 by deleting the language of the bill following the caption, in its entirety and by substituting the following:

WHEREAS, there is a need among local law enforcement agencies for training in the management of such agencies; and

WHEREAS, the Tennessee Law Enforcement Training Academy and other educational institutions prepare officers for their law enforcement duties but do not provide training in the areas of finance, personnel, records keeping and other administrative functions relating to the management of a local law enforcement agency; and

WHEREAS, the General Assembly recognizes the need for a curriculum designed to train local law enforcement officials in sound management practices; and

WHEREAS, the Center for Government training is uniquely qualified to design, develop and deliver such a curriculum, since the Center presently conducts similar training programs for other units of state and local government; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The Center for Government Training is directed to conduct a study to determine the management training needs of local government law enforcement agencies. The study shall determine the courses that should be included in the creation of a Local Law Enforcement Management Training Program. Such study shall formulate the plan for the design, development and delivery of this management curriculum by the University of Tennessee Center for Government Training, with assistance from the County Technical Assistance Service, Municipal Technical Advisory Service, and the Tennessee Law Enforcement Training Academy and conducted in cooperation with the Tennessee Sheriffs Association, Tennessee Police Chiefs Association and the Tennessee Municipal League.

SECTION 2. The membership of the study committee will be (1) the Director of the Tennessee Sheriffs Association, (2) the President of the Tennessee Police Chiefs Association, (3) the Director of the Tennessee Law Enforcement Training Academy, or their designated representatives, (4) a representative of the Tennessee Sheriffs Association, and (5) a representative of the Tennessee Police Chiefs Association. A representative of the County Technical Assistance Service, the Municipal Technical Advisory Service and the Tennessee Municipal

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League will serve as non-voting members of the committee.

**SECTION 3.** The report of the committee and the proposal for implementing the Local Law Enforcement Management Training Program shall be presented to the speaker of each house of the General Assembly prior to February 1, 1991.

**SECTION 4.** This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Kent moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 1648, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Joint Resolution No. 0588 -- General Assembly, Studies --** Creates joint subcommittee to study ways to improve and expand role of community education.

**Senate Amendment No. 1**

**AMEND** House Joint Resolution No. 588 by deleting the language of the third resolving clause and by substituting instead the following:

**"BE IT FURTHER RESOLVED,** that the Commissioner of Education and the Executive Director of the State Board of Education shall serve as ex officio members of the subcommittee and that the State Board of Education, the State Department of Education, and the Tennessee Community

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Education Association will provide additional staff assistance to the subcommittee."

**Senate Amendment No. 2**

Amend House Joint Resolution No. 588 by deleting from the fourth resolving clause the language "ninety-eighth" and substituting instead "ninety-seventh" and further amend by deleting from the sixth resolving clause the language "ninety-eight" and substituting instead the language "ninety-seventh".

Rep. Odom moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to House Joint Resolution No. 588, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**April 12, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 264 and 591; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

\*Senate Joint Resolution No. 0264 -- General Assembly, Studies -- Establishes a task force to evaluate state's black history and cultural education.

\*Senate Joint Resolution No. 0591 -- General Assembly, Studies -- Urges Board of Regents to conduct feasibility study on

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development of two mini campuses to combine services of Shelby State and State Technical in Memphis.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1774 and 2594; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 1774 -- Taxes --** Revises certain provisions of franchise and sales taxes. Amends TCA, Title 67, Chs. 4, 6.

**Senate Bill No. 2594 -- Drugs --** Enacts "Controlled Substance Prescription Act of 1990". Amends TCA, Title 53, Ch. 10.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 1848 -- Scholarships --** Terminates United Daughters of the Confederacy scholarships. Repeals TCA 49-4-701.

Senate Amendment No. 1

AMEND House Bill No. 1848 by deleting SECTION 3 in its entirety and substituting the following:

SECTION 3. The amount of funds which the state treasurer was authorized to hold in trust under the terms of Tennessee Code Annotated, Section 49-4-701 (or any public act or trust incorporated therein), not to exceed the sum of \$28,333.39, shall be paid to the Tennessee division of the United Daughters of the Confederacy.

Rep. Jackson moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1848, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee,

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McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Joint Resolution No. 0583 -- General Assembly, Studies --** Continues special joint committee to study conservatorships, guardianships and estates of incompetents created by HJR 131.

**Senate Amendment No. 1**

House Joint Resolution No. 583 by deleting from the second resolving clause the following:

That all legislative members of the special joint committee appointed pursuant to House Joint Resolution 131 remain the same and

and by substituting instead the following:

That the make up of the membership of the committee remain as set forth in House Joint Resolution 131 but that the members be reappointed in the same manner as set forth in House Joint Resolution 131 and such members

Rep. Turner (Hamilton) moved that the House concur in Senate Amendment(s) No(s). 1 to House Joint Resolution No. 583, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West,

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Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton,  
Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

#### REGULAR CALENDAR, CONTINUED

\*House Bill No. 2404 -- Drugs -- Enacts "Controlled Substance Prescription Act of 1990". Amends TCA, Title 53, Ch. 10.

Further consideration of House Bill No. 2404, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 2404 was made to conform with Senate Bill No. 2594.

On motion, Senate Bill No. 2594, on same subject, was substituted for House Bill No. 2404.

Rep. Curlee moved that Senate Bill No. 2594 be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Curlee moved that Senate Bill No. 2594 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West,



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Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton,  
Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

House Bill No. 1109 -- Ethics -- Revises threshold for certain requirements of making disclosures. Amends TCA, Titles 2, 3; Title 8, Ch. 50.

On motion of Rep. Herron, House Bill No. 1109 was withdrawn from the House.

House Bill No. 2258 -- Economic and Community Development -- Adds certain incentives for businesses which locate in enterprise zone. Amends TCA, Title 13, Ch. 28; Title 67.

Further consideration of House Bill No. 2258, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

Rep. U. Jones moved that House Bill No. 2258 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2258 by adding the following new sections immediately before the effective date section and by renumbering the effective date section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 67-4-808, is amended by deleting subdivision (3) in its entirety.

Section \_\_\_\_\_. Tennessee Code Annotated, Section 13-28-106, is amended by adding the following language as a new, appropriately designated subsection:

( )

(1) To the extent that funds are specifically appropriated for this purpose, qualified businesses shall be eligible to receive a reimbursement of their excise tax of one thousand dollars (\$1,000) for each net new employee that is employed during the tax period of a minimum of six (6) months for at least twenty (20) hours per week by that qualified business at a location within an enterprise zone as defined at Title 13, Chapter 28. In order to receive such reimbursement, such employment shall

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be certified by the Department of Employment Security to the Department of Revenue.

(2) The amount reimbursed shall not, however, exceed fifty percent (50%) of the excise tax liability or one hundred thousand dollars (\$100,000), whichever is lesser.

(3) The reimbursement provided in this subsection shall apply if:

(i) The qualified business employs at least twenty-five (25) people within the enterprise zone;

(ii) The business is an organization listed in Division D, Division F, Industry Group No. 731, Industry No. 7342, Industry Group No. 737, Industry Group No. 873, Industry Group No. 738, or Industry Group No. 874 of the Standard Industrial Classification Manual of 1987 prepared by the United States Office of Management and Budget.

(iii) The business does not make retail sales.

(4) The Department of Economic and Community Development, with the approval of the Department of Revenue, shall have the authority to promulgate rules and regulations for the purpose of administering the provisions of this subsection.

Rep. U. Jones moved to amend as follows:

**Amendment No. 1 to Amendment No. 1**

AMEND House Bill No. 2258 by deleting in the directory language of the first unnumbered section the word, punctuation and number "subdivision (3)" and by substituting instead the following:

subdivision (4)

AND FURTHER AMEND by inserting in the amendatory language of the second unnumbered section, between the words "appropriated" and "for" in the first sentence of the first subdivision, the following:

in the General Appropriation Act

AND FURTHER AMEND by inserting in the amendatory language

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of the second unnumbered section, between the words "liability" and "or" in the second subdivision, the following:

paid for the tax year in which the new employees are hired,

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Rep. U. Jones moved that Amendment No. 1, as amended, be adopted, which motion prevailed.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 3 as follows:

#### Amendment No. 2

AMEND House Bill No. 2258 by deleting Section 1 and by substituting instead the following:

##### SECTION 1.

(a) Tennessee Code Annotated, Section 13-28-103(6)(A), is amended by deleting the words and punctuation "of the employees of a business:" and by substituting instead the following:

"of the employees who fill newly created jobs within the business:".

(b) Tennessee Code Annotated, Section 13-28-103(6)(B), is amended by deleting the words "through normal employee attrition or increased employment" and by substituting instead the words "through increased employment".

On motion, Amendment No. 2 was adopted.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 4.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 5 as follows:

#### Amendment No. 3

AMEND House Bill No. 2258 by deleting Section 3 and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 13-28-106, is amended by adding the following language as a new, appropriately designated subsection:

( ) If, upon application of a unit or units of local government, the enterprise zone management board designates an enterprise zone within the jurisdiction of such unit or units of local government, then the unit or units of local government may, by resolution or ordinance, establish a program to locally reimburse all sales or use tax imposed by the unit or units of local government on sales of building materials purchased for the renovation, expansion, or construction of a business facility located within an enterprise zone. Such program of local reimbursement shall include policies and procedures to require each applicant for reimbursement to submit documentation sufficient to clearly demonstrate the applicant's eligibility for reimbursement and for the amount requested. Upon reimbursement to the applicant of such sales or use tax imposed by the unit or units of local government on such sale of building materials purchased for such purposes and upon receipt by the commissioner of economic and community development of documentation deemed by the commissioner to be sufficient to clearly demonstrate the applicant's eligibility for reimbursement and for the amount requested, then the commissioner shall, to the extent that funds specifically appropriated for the purposes of this act so permit, also reimburse the applicant for all sales or use tax imposed by the state of Tennessee on such sale of building materials purchased for such purposes. As used in this subsection, "business facility" shall mean a facility which exceeds forty-five thousand (45,000) square feet of floor space and which is operated by, or will be suitable for operation by, a qualified business as a place of employment. Notwithstanding the provisions of this act or any other law to the contrary, annual state expenditures necessary to implement the provisions of this act shall be subject to and shall not exceed the specific funding level provided for such purpose within the state's annual appropriations act.

On motion, Amendment No. 3 was adopted.

Rep. U. Jones moved to amend as follows:

**Amendment No. 4**

AMEND House Bill No. 2258 by adding the following new sections immediately before the effective date section and by renumbering the effective date section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 67-4-808(5), is amended by deleting the subdivision in its entirety.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 67-4-808(3)(E)(vi), is amended by deleting it in its entirety.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 67-4-808(6), is amended by deleting the subdivision in its entirety.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 13-28-106, is amended by adding the following language as a new, appropriately designated subsection:

( ) (1) To the extent that funds are specifically appropriated in the General Appropriation Act for this purpose, a qualified business shall be eligible to receive a reimbursement of 1.3% of the purchase price of industrial machinery, as defined by Section 67-6-102, which is located in Tennessee.

(2) The amount of reimbursement, however, shall not exceed fifty percent (50%) of the excise tax liability paid by the qualified business for the tax year in which the machinery was purchased.

(3) The Department of Economic and Community Development, with the approval of the Department of Revenue, shall have the authority to promulgate rules and regulations for the purpose of administering the provisions of this subsection.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 13-28-106, is amended by adding the following language as a new, appropriately designated subsection:

( ) (1) To the extent that funds are specifically appropriated in the General Appropriation Act for this purpose, qualified businesses shall be eligible to receive a reimbursement in an amount equal to twenty percent (20%) of any contribution to the creation, operation, maintenance, or improvement of public schools within an enterprise zone, as defined in title 13, chapter 28. Such reimbursement shall not exceed one hundred thousand dollars (\$100,000) in any one (1) state fiscal year.

(2) The Department of Economic and Community Development, with the approval of the Department of Revenue, shall have the authority to promulgate rules and regulations for the purpose of administering the provisions of this subsection.

AND FURTHER AMEND by deleting Section 2 in its entirety and by renumbering the subsequent sections accordingly.

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AND FURTHER AMEND by deleting the effective date section in its entirety and by substituting instead the following:

SECTION \_\_\_\_\_. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to corporate fiscal years ending on or after July 15, 1990.

On motion, Amendment No. 4 was adopted.

Thereupon, Rep. U. Jones moved that House Bill No. 2258, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 2536 -- Education -- Revises provisions concerning operation of Tennessee Foreign Language Institute. Amends TCA, Title 49, Ch. 50, Pt. 13.

Further consideration of House Bill No. 2536, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Purcell moved that House Bill No. 2536 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2536 by deleting Section 2 in its

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entirety and by renumbering the subsequent section accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that House Bill No. 2536, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1703; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill No. 196.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 2, withdrew Amendment No. 2, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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REGULAR CALENDAR, CONTINUED

**House Bill No. 1946 -- Taxes, Privilege --** Allows privilege tax paid on Class I coin operated amusement device to constitute full tax liability payment if later found not to be Class I device. Amends TCA 67-4-507.

Rep. Moore (Shelby) moved that **House Bill No. 1946** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 1939 -- Industrial Development --** Permits industrial development corporation to acquire apartment buildings in urban areas. Amends TCA 7-53-302.

Further consideration of **House Bill No. 1939**, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, **House Bill No. 1939** was made to conform with **Senate Bill No. 2265**.

On motion, **Senate Bill No. 2265**, on same subject, was substituted for **House Bill No. 1939**.

Rep. R. Jones moved that **Senate Bill No. 2265** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. R. Jones moved that **Senate Bill No. 2265** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	87
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L.



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(Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 87.

Representatives present and not voting were: Coffey, Holcomb -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 1796** -- Insurance, Health, Accident -- Increases minimum amount of deductible and out-of-pocket payments under Comprehensive Health Insurance Pool. Amends TCA, Title 56, Ch. 39.

Further consideration of House Bill No. 1796, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 1796 was made to conform with Senate Bill No. 2081.

On motion, **Senate Bill No. 2081**, on same subject, was substituted for House Bill No. 1796.

Rep. Kernell moved that **Senate Bill No. 2081** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2.

Rep. Kernell moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Kernell moved that **Senate Bill No. 2081** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kernell, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson),

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Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

A motion to reconsider was tabled.

**\*House Bill No. 2362 -- DUI/DWI Offenses -- Increases fine; allocates proceeds for treatment and rehabilitation of certain persons who suffer traumatic head injuries. Amends TCA, Title 49, Ch. 11, Pt. 6; Title 55, Ch. 10, Pt. 4.**

Further consideration of House Bill No. 2362, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, House Bill No. 2362 was made to conform with Senate Bill No. 2538.

On motion, Senate Bill No. 2538, on same subject, was substituted for House Bill No. 2362.

Rep. Nuber moved that Senate Bill No. 2538 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2.

Rep. Nuber moved that Senate Bill No. 2538 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams,

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Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2538 and have this statement entered in the Journal.

Rep. Dwight Henry

**REGULAR CALENDAR, CONTINUED**

House Bill No. 1641 -- Transportation, Dept. of -- Directs institution of wildflower preservation and propagation pilot project in Shelby County.

Further consideration of House Bill No. 1641, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 1641 was made to conform with Senate Bill No. 1655.

On motion, Senate Bill No. 1655, on same subject, was substituted for House Bill No. 1641.

Rep. Kernell moved that Senate Bill No. 1655 be passed on third and final consideration.

Rep. Yelton moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1655 by inserting the following between the first and second sentences of Section 1:

"The Department is encouraged to cooperate with local garden clubs in the establishment and administration of the pilot program."

AND FURTHER AMEND by adding the following as a new section to be numbered appropriately:

SECTION \_\_\_\_ . The maximum authorized expenditure for materials and administration of the pilot program shall be ten thousand dollars (\$10,000).

On motion, Amendment No. 1 was adopted.

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Thereupon, Rep. Kernell moved that **Senate Bill No. 1655**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

**House Bill No. 2363** -- Telecommunications -- Adds certain television stations to list of stations receiving grants from state. Amends TCA 49-50-903.

Further consideration of House Bill No. 2363, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Armstrong moved that House Bill No. 2363 be passed on third and final consideration.

Rep. Winningham moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2363 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 49-50-903(a), is further amended by deleting from subdivision (1) the word and symbol "Knoxville/".

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

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Amendment No. 2

Amend House Bill No. 2363 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Armstrong moved that House Bill No. 2363, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Bill No. 2024 -- Day Care -- Increases weekly rate paid by department for certain day care. Amends TCA, Title 71, Ch. 3.

Further consideration of House Bill No. 2024, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 2024 was made to conform with Senate Bill No. 2075.

On motion, Senate Bill No. 2075, on same subject, was substituted for House Bill No. 2024.

Rep. DeBerry moved that Senate Bill No. 2075 be passed on third and final consideration.

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On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2075 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2075 by adding the following new subsection at the end of the amendatory language of Section 1:

( ) The amounts to be paid by the department of human services for day care services and transportation under the provisions of this section shall be subject to the availability of funding each year in the General Appropriation Act.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. DeBerry moved that Senate Bill No. 2075, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence),

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Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives present and not voting were: Sipes -- 1.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2107; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1788, 2158 and 2513; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 1788 -- Courts, Supreme Court of Tennessee --** Designates at large seats as Part I and Part II. Amends TCA 16-3-101.

**\*Senate Bill No. 2158 -- Taxes --** Provides for certain assistance on property taxation to the general assembly. Same as SB 2516. Amends TCA, Title 67.

**Senate Bill No. 2513 -- Telecommunications --** Clarifies policy on taxation of telecommunications services. Amends TCA, Titles 65, 67.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2419 -- Telecommunications --** Clarifies policy on taxation of telecommunications services. Amends TCA, Titles 65, 67.

Further consideration of House Bill No. 2419, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

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On motion, House Bill No. 2419 was made to conform with Senate Bill No. 2513.

On motion, **Senate Bill No. 2513**, on same subject, was substituted for House Bill No. 2419.

Rep. Kisber moved that **Senate Bill No. 2513** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2513** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**House Bill No. 2422 -- Taxes --** Provides for certain assistance on property taxation to the general assembly. Same as SB 2516. Amends TCA, Title 67.

On motion, House Bill No. 2422 was made to conform with Senate Bill No. 2158.

On motion, **Senate Bill No. 2158**, on same subject, was substituted for House Bill No. 2422.

Rep. Kisber moved that **Senate Bill No. 2158** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2158** be passed on third



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and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	68
Noes. . . . .	19
Present and not voting. . . . .	6

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cole, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Gaia, Garrett, Good, Gunnels, Henry (Putnam), Henry (Roane), Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Whitson, Williams, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 68.

Representatives voting no were: Austin, Burchfield, Cain, Callicott, Clark, Coffey, Crain, Givens, Halteman, Harrill, Hassell, Haun, McAfee, Odom, Robinson (Davidson), Shirley, Stamps, West, Wheeler -- 19.

Representatives present and not voting were: Head, Hobbs, Holcomb, Robinson (Hamilton), Winningham, Wix -- 6.

A motion to reconsider was tabled.

**CHAIR TO DEBERRY**

Mr. Speaker Murray relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1582 -- Drug and Alcohol Rehabilitation --** Creates substance abuse prevention and treatment account; provides treatment services to certain low income persons. Amends TCA, Titles 33, 39, 53.

Further consideration of House Bill No. 1582, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Pruitt moved that House Bill No. 1582 be passed on third and final consideration.

Rep. Starnes moved adoption of General Welfare Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1582 by deleting all language of the bill following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-8-103, is amended by adding the following language as a new, appropriately designated subsection:

( ) (1) Through grants contracted with community based agencies, the commissioner shall plan, establish, and administer at least two (2) pilot projects to develop effective and efficient prevention and treatment services for low-income, pregnant substance abusers. Each of the pilot projects shall, at a minimum, provide the following:

(A) Public information programs culturally appropriate to the target populations: such information programs to include brochures, public service announcements, and other creative and effective means of communication;

(B) Community outreach, interagency liaison, interagency referral mechanisms, and specialized training for maternal and child health providers;

(C) At least eight (8) residential beds dedicated exclusively for rehabilitation of low income, pregnant substance abusers: such beds to be in addition to all other beds available within the community, upon the date of passage of this act, for the rehabilitation of substance abusers;

(D) At least twelve (12) intensive, outpatient slots dedicated exclusively for treatment of low income, pregnant substance abusers: such slots to be in addition to all other outpatient slots available within the community, upon the date of passage of this act, for day treatment of substance abusers;

(E) Family intervention services to be provided throughout the term of the pregnancy and during a period of postpartum follow-up as prescribed by the commissioner;

(F) Specialized support services needed to insure effectiveness of rehabilitation and treatment, including, but not necessarily limited to, transportation services and day care;

(G) Enhanced physician oversight of

treatment modalities: such oversight to be provided at a level prescribed by the commissioner; and

(H) Documentation and recordkeeping sufficient to enable the commissioner to objectively and systematically evaluate the effectiveness and efficiency of the various components of the pilot projects.

(2) In seeking funding support for the pilot projects, the commissioner shall utilize the resources of the U.S. Alcohol, Drug Abuse, and Mental Health Administration; the U.S. Office of Substance Abuse Prevention; as well as other public and private funding sources for substance abuse prevention and treatment programs.

(3) On or before January 15, 1992 and again on or before January 15, 1993, the commissioner shall submit an interim report to the General Welfare, Health, and Human Resources Committee of the Senate and to the General Welfare Committee of the House of Representatives. On or before January 15, 1994, the commissioner shall submit a final report to the committees. Each of the interim reports and the final report shall summarize implementation of the provisions of this act, shall evaluate the effectiveness and efficiency of the pilot projects, and shall include the department's findings and recommendations concerning replication of the various components of the pilot projects.

SECTION 2. This act shall take effect on July 1, 1990, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Thereupon, Rep. Pruitt moved that House Bill No. 1582, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels,

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Haltzman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

Representatives present and not voting were: Moody -- 1.

A motion to reconsider was tabled.

**House Bill No. 2252 -- District Attorneys --** Authorizes two additional assistant district attorney positions and one criminal investigator position for district attorney of 20th judicial district. Amends TCA 16-2-506.

Further consideration of House Bill No. 2252, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Purcell moved that House Bill No. 2252 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2252 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that **House Bill No. 2252**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin,

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Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 1554 -- Public Defenders -- Creates office of public defender in sixth judicial district. Amends TCA, Title 8, Ch. 14; Title 16.**

Further consideration of House Bill No. 1554, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Armstrong moved that House Bill No. 1554 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1554 by deleting all language following the enactment clause, and substituting the following:

WHEREAS, the Sixth Judicial District, being Knox County, is the only judicial district without a Public Defender; and,

WHEREAS, it is the intent of the General Assembly to create the position of District Public Defender for the Sixth Judicial District and to make such position a part of the District Public Defender Conference, with the same duties, responsibilities, privileges and staff assistance as other District Public Defenders.

SECTION 1. Tennessee Code Annotated, Section 8-14-202(a) is amended by deleting the word "sixth".

SECTION 2. Effective September 1, 1990, there is created the position of District Public Defender for the sixth judicial district. At the regular August election in 1990 the qualified voters of the sixth judicial district shall elect a person to the position of District Public Defender for a full eight (8)

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year term. The person elected to such office shall possess the same qualifications, powers and duties, and shall receive the same compensation, payable in the same manner, benefits, emoluments dignity of office and staff assistance as is required or provided by law for other District Public Defenders.

**SECTION 3.** Notwithstanding any provision of law to the contrary, the times for the filing of qualifying petitions for candidates for the office of District Public Defender for the sixth judicial district shall be modified if necessary by the county election commission in the sixth judicial district so that such names may be placed on the ballot in the regular 1990 elections.

**SECTION 4.** This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Armstrong moved that **House Bill No. 1554**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**April 12, 1990**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill(s) No(s). 1245, 1659, 1782, 1804 and 1882; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

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**\*Senate Bill No. 1245 -- Education -- Establishes procedures for designation of model school dropout prevention programs; establishes system of competitive grants to encourage replication of such programs. Amends TCA, Title 37, Ch. 3, Pt. 1; Title 49.**

**Senate Bill No. 1659 -- Public Contracts -- Mandates bidding preferences for Tennessee contractors under certain circumstances. Amends TCA, Title 12, Ch. 4.**

**Senate Bill No. 1782 -- Hospitals and Health Care Facilities -- Revises law with respect to nursing homes. Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5.**

**Senate Bill No. 1804 -- Judicial Districts -- Increases the number of judges, assistant district attorneys and criminal investigators in 30th judicial district. Amends TCA 16-2-506.**

**Senate Bill No. 1882 -- Education -- Creates Post-Secondary Enrollment Options Act. Amends TCA, Title 49, Chs. 6, 7.**

#### **REGULAR CALENDAR, CONTINUED**

**House Bill No. 2393 -- Judicial Districts -- Creates additional circuit court judge position for 19th judicial district. Amends TCA 16-2-506.**

Further consideration of House Bill No. 2393, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Davidson moved that House Bill No. 2393 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

Amend House Bill No. 2393 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ . No state funds in excess of one hundred eighty-five thousand dollars (\$185,000) shall be obligated or expended to implement the provisions of this act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davidson moved that House Bill No. 2393, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . . 98  
Noes. . . . . 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

**House Bill No. 1787** -- Public Contracts -- Mandates bidding preferences for Tennessee contractors under certain circumstances. Amends TCA, Title 12, Ch. 4.

Further consideration of **House Bill No. 1787**, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, **House Bill No. 1787** was made to conform with Senate Bill No. 1659.

On motion, **Senate Bill No. 1659**, on same subject, was substituted for **House Bill No. 1787**.

Rep. Starnes moved that **Senate Bill No. 1659** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Starnes moved that **Senate Bill No. 1659** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . . 97  
Noes. . . . . 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels,



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Haltzman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 0559 -- Education --** Establishes procedures for designation of model school dropout prevention programs; establishes system of competitive grants to encourage replication of such programs. Amends TCA, Title 37, Ch. 3, Pt. 1; Title 49.

Further consideration of House Bill No. 559, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 559 was made to conform with Senate Bill No. 1245.

On motion, **Senate Bill No. 1245**, on same subject, was substituted for House Bill No. 559.

Rep. Peroulas moved that **Senate Bill No. 1245** be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Peroulas moved that **Senate Bill No. 1245** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Haltzman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley,

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Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray  
-- 95.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1617; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 1617 -- Judicial Districts -- Creates additional circuit court judge for fourth judicial district. Amends TCA 16-2-506.**

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1769 -- Judicial Districts -- Increases the number of judges, assistant district attorneys and criminal investigators in 30th judicial district. Amends TCA 16-2-506.**

Further consideration of House Bill No. 1769, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 1769 was made to conform with Senate Bill No. 1804.

On motion, **Senate Bill No. 1804**, on same subject, was substituted for House Bill No. 1769.

Rep. C. Turner (Shelby) moved that **Senate Bill No. 1804** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

**Amendment No. 1**

Amend Senate Bill No. 1804 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. No state funds in excess of one hundred

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eighty-five thousand dollars (\$185,000) shall be obligated or expended to implement the provisions of this act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. C. Turner (Shelby) moved that **Senate Bill No. 1804**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

**House Bill No. 2450 -- Judicial Districts -- Creates additional circuit court judge for fourth judicial district. Amends TCA 16-2-506.**

Further consideration of House Bill No. 2450, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Davis (Cocke) moved that House Bill No. 2450 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2450 by deleting the section which reads as follows in its entirety:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the semicolon at the end of the third sentence of subsection (3)(A), substituting

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instead a period, and by adding the following to the end of such subsection:

In 1990, the qualified voters of the third judicial district shall elect an additional circuit court judge in accordance with the provisions of Section 16-2-505 to serve Part III of the circuit court of such district;

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. No state funds in excess of one hundred eighty-five thousand dollars (\$185,000) shall be obligated or expended to implement the provisions of this act.

On motion, Amendment No. 1 was adopted:

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 2

Amend House Bill No. 2450 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the semicolon at the end of the third sentence of subsection (3)(A), substituting instead a period, and by adding the following to the end of such subsection:

In 1990, the qualified voters of the third judicial district shall elect an additional circuit court judge in accordance with the provisions of Section 16-2-505 to serve Part III of the circuit court of such district;

On motion, House Bill No. 2450 was made to conform with Senate Bill No. 1617.

On motion, Senate Bill No. 1617, on same subject, was substituted for House Bill No. 2450.

Rep. Davis (Cocke) moved that Senate Bill No. 1617 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, as follows:

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Amendment No. 1

Amend House Bill No. 2450 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the semicolon at the end of the third sentence of subsection (3)(A), substituting instead a period, and by adding the following to the end of such subsection:

In 1990, the qualified voters of the third judicial district shall elect an additional circuit court judge in accordance with the provisions of Section 16-2-505 to serve Part III of the circuit court of such district;

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davis (Cocke) moved that Senate Bill No. 1617, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Pruitt moved to lift from the table the motion to reconsider House Bill No. 1582, which motion prevailed.

House Bill No. 1582 -- Drug and Alcohol Rehabilitation -- Creates substance abuse prevention and treatment account; provides

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treatment services to certain low income persons. Amends TCA, Titles 33, 39, 53.

Rep. Pruitt moved to reconsider our action in passing House Bill No. 1582, which motion prevailed.

Rep. Pruitt moved that House Bill No. 1582 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 2**

AMEND House Bill No. 1582 by deleting all language of the bill following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-8-103, is amended by adding the following language as a new, appropriately designated subsection:

(1) Through grants contracted with community based agencies, the commissioner is authorized to plan, establish, and administer pilot projects to develop effective and efficient prevention and treatment services for low-income, pregnant substance abusers. Each of the pilot projects should, to the extent possible within available funding, provide the following:

(A) Public information programs culturally appropriate to the target populations: such information programs to include brochures, public service announcements, and other creative and effective means of communication;

(B) Community outreach, interagency liaison, interagency referral mechanisms, and specialized training for maternal and child health providers;

(C) Provide residential beds dedicated exclusively for rehabilitation of low income, pregnant substance abusers;

(D) Provide intensive, outpatient slots dedicated exclusively for treatment of low income, pregnant substance abusers;

(E) Family intervention services to be provided throughout the term of the pregnancy and during a period of postpartum follow-up;

(F) Specialized support services needed to insure effectiveness of rehabilitation and

treatment, including, but not necessarily limited to, transportation services and day care;

(G) Enhanced physician oversight of treatment modalities: such oversight to be provided at a level prescribed by the commissioner; and

(H) Documentation and recordkeeping sufficient to enable the commissioner to objectively and systematically evaluate the effectiveness and efficiency of the various components of the pilot projects.

(2) In seeking funding support for the pilot projects, the commissioner is authorized to utilize the resources of the U.S. Alcohol, Drug Abuse, and Mental Health Administration; the U.S. Office of Substance Abuse Prevention; as well as other public and private funding sources for substance abuse prevention and treatment programs. Implementation of the pilot projects shall be limited to the level of funding and resources obtained and provided for such purpose.

(3) On or before January 15, 1991 and again on or before January 15, 1993, the commissioner shall submit an interim report to the General Welfare, Health, and Human Resources Committee of the Senate and to the General Welfare Committee of the House of Representatives. On or before January 15, 1994, the commissioner shall submit a final report to the committees. Each of the interim reports and the final report shall summarize implementation of the provisions of this act, shall evaluate the effectiveness and efficiency of the pilot projects, and shall include the department's findings and recommendations concerning replication of the various components of the pilot projects.

SECTION 2. This act shall take effect on July 1, 1990, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Pruitt moved that House Bill No. 1582, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain,

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Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

**MOTION TO SUSPEND RULES**

Rep. Burnett moved to suspend the rules to hear House Bill No. 1801 in the Calendar and Rules Committee, which was objected to Rep. Chiles.

**House Bill No. 1801 -- Courts, Supreme Court of Tennessee --** Designates at large seats as Part I and Part II. Amends TCA 16-3-101.

Thereupon, Rep. Burnett renewed the motion to hear House Bill No. 1801 in Calendar and Rules Committee, which motion failed by the following vote:

Ayes. . . . .	61
Noes. . . . .	34

Representatives voting aye were: Armstrong, Austin, Bell, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Garrett, Givens, Halteman, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Jackson, Jones, U. (Shelby), Kernell, King, Kisber, Love, Moore (Lawrence), Naifeh, Napier, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Williams, Winningham, Wix, Mr. Speaker Murray -- 61.

Representatives voting no were: Anderson, Bittle, Burchfield, Callicott, Chiles, Coffey, Cole, Copeland, Good, Gunnels, Harrill, Hassell, Haun, Henry (Putnam), Hubbard, Jones, R. (Shelby), Kent, McAfee, McDaniel, Moody, Moore (Shelby), Niceley, Nuber, Robinson (Washington), Scruggs, Shirley, Sipes, Stamps, Ussery, Webb, Whitson, Wolfe, Wood, Yelton -- 34.



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REGULAR CALENDAR, CONTINUED

**House Bill No. 2035** -- Housing -- Creates division of housing and emergency shelter.

Further consideration of House Bill No. 2035, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

On motion, House Bill No. 2035 was made to conform with Senate Bill No. 2031.

On motion, **Senate Bill No. 2031**, on same subject, was substituted for House Bill No. 2035.

Rep. Love moved that **Senate Bill No. 2031** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Love moved that **Senate Bill No. 2031** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

**House Bill No. 2397** -- Agriculture -- Enacts "Noxious Weed Control Act of 1990". Amends TCA, Title 43, Ch. 6, Pt. 2.

Further consideration of House Bill No. 2397, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

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Rep. Callicott moved that **House Bill No. 2397** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 2420 -- Taxes --** Revises certain provisions of franchise and sales taxes. Amends TCA, Title 67, Chs. 4, 6.

Further consideration of **House Bill No. 2420**, previously considered on April 11, 1990, at which time it was reset to the Calendar for April 12, 1990.

On motion, **House Bill No. 2420** was made to conform with **Senate Bill No. 1774**.

On motion, **Senate Bill No. 1774**, on same subject, was substituted for **House Bill No. 2420**.

Rep. Kisber moved that **Senate Bill No. 1774** be passed on third and final consideration.

Rep. Napier moved that **Senate Bill No. 1774** be re-referred to the Calendar and Rules Committee.

Rep. Bragg moved to table the motion to re-refer, which motion prevailed by the following vote:

Ayes. . . . .	50
Noes. . . . .	33

Representatives voting aye were: Anderson, Austin, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Clark, Cole, Cross, Davidson, Davis (Gibson), DePriest, Dixon, Givens, Good, Gunnels, Halteman, Hassell, Head, Herron, Hobbs, Holcomb, Holt, Hubbard, Jones, R. (Shelby), Kent, Kernell, Love, Moore (Shelby), Naifeh, Odom, Phillips, Pruitt, Purcell, Robinson (Washington), Scruggs, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, Whitson, Williams, Wix, Wood, Yelton -- 50.

Representatives voting no were: Bell, Cain, Callicott, Coffey, Collier, Copeland, Curlee, Davis (Knox), Harrill, Henry (Putnam), Henry (Roane), Hillis, Huskey, Jackson, McAfee, McDaniel, Moody, Moore (Lawrence), Napier, Niceley, Peroulas, Pinion, Rhinehart, Ridgeway, Robinson (Davidson), Severance, Shirley, Stamps, Ussery, West, Wheeler, Winningham, Wolfe -- 33.

Rep. Jackson moved the previous question, which motion prevailed.

Thereupon, Rep. Kisber moved that **Senate Bill No. 1774**, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	65
Noes. . . . .	21
Present and not voting. . . . .	7

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Representatives voting aye were: Anderson, Austin, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Clark, Coffey, Cole, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Garrett, Givens, Good, Gunnels, Halteman, Head, Herron, Hobbs, Holcomb, Holt, Hubbard, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, Moody, Naifeh, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Wix, Wood, Yelton -- 65.

Representatives voting no were: Bell, Callicott, Chiles, Collier, Davis (Knox), Gaia, Harrill, Henry (Putnam), Henry (Roane), McDaniel, Moore (Lawrence), Napier, Niceley, Ridgeway, Robinson (Davidson), Shirley, Sipes, Stamps, West, Winningham, Wolfe -- 21.

Representatives present and not voting were: Hassell, Haun, Hillis, Jackson, Moore (Shelby), Odom, Rhinehart -- 7.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2358; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2178; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REGULAR CALENDAR, CONTINUED**

\*House Bill No. 2145 -- Parks, Natural Areas Preservation -- Prohibits certain activities within certain distance of scenic rivers. Amends TCA, Title 11, Ch. 13; Title 68.

On motion, House Bill No. 2145 was made to conform with Senate Bill No. 2359.

On motion, Senate Bill No. 2359, on same subject, was substituted for House Bill No. 2145.

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Rep. Moore (Lawrence) moved passage of Senate Bill No. 2339 on third and final consideration.

Rep. Odom moved the previous question, which motion prevailed.

Rep. Moore (Lawrence) moved that Senate Bill No. 2359 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Gaia, Givens, Good, Gunnels, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Usery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2359 and have this statement entered in the Journal.

Rep. Beth Halteman

**REGULAR CALENDAR, CONTINUED**

House Bill No. 0926 -- Workers' Compensation -- Requires inclusion of doctor of chiropractic for selection of physicians and surgeons in certain circumstances. Amends TCA 50-6-204.

Further consideration of House Bill No. 926, previously considered on April 17 and May 25, 1989 and April 9, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. West moved that House Bill No. 926 be re-referred to the Calendar and Rules Committee, which motion prevailed.

\*House Bill No. 1772 -- State Prisoners -- Requires AIDS testing

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of certain persons convicted of drug offenses or sexual offenses.  
Amends TCA, Titles 39, 41.

Further consideration of House Bill No. 1772, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Moore (Lawrence) moved that House Bill No. 1772 be re-referred to the Calendar and Rules Committee, which motion prevailed.

**RULES SUSPENDED**

Rep. Davis (Cocke) moved to suspend Rule No. 59 to hear the Senate messages at this time, which motion prevailed.

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE AMENDMENTS**

House Bill No. 2107 -- Sentencing -- Prohibits imposition of death sentence for mentally retarded person. Amends TCA, Title 39, Ch. 13, Pt. 2.

**Senate Amendment No. 1**

AMEND House Bill No. 2107 by deleting Section 1 in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 2, is amended by adding a new section thereto, to be designated as 39-13-203, as follows:

**Section 39-13-203.**

(a) For the purposes of this section, mental retardation is defined as:

(1) Significantly subaverage general intellectual functioning; and

(2) Deficits in adaptive behavior; and

(3) The mental retardation must have been manifested during the developmental period, or by the age of eighteen (18).

(b) Notwithstanding any provision of law to the contrary, no defendant with mental retardation at the time of committing first degree murder shall be sentenced to death.

(c) The burden of production and persuasion

to demonstrate mental retardation by a preponderance of the evidence is upon the defendant. The determination of whether the defendant was mentally retarded at the time of the offense of first degree murder shall be made by the court.

(d) If the court determines that the defendant was a person with mental retardation at the time of the offense and the trier of fact finds the defendant guilty of first degree murder, there shall be no separate sentencing hearing and the defendant shall be sentenced to life imprisonment.

(e) If the issue of mental retardation is raised at trial and the court determines that the defendant is not a person with mental retardation, the defendant shall be entitled to offer evidence to the trier of fact of diminished intellectual capacity as a mitigating circumstance pursuant to Section 39-13-204(j)(8).

AND FURTHER AMEND by renumbering the subsequent existing sections accordingly.

AND FURTHER AMEND by redesignating existing section 39-13-206 as section 39-13-210 and renumbering the subsequent existing subsections accordingly.

AND FURTHER AMEND by designating renumbered sections 39-13-207 through 39-13-209 as "Reserved".

**Senate Amendment No. 1 to Amendment No. 1**

AMEND House Bill No. 2107 by deleting the language and punctuation "AND IS FURTHER AMENDED by renumbering the subsequent existing sections accordingly;" in SECTION 1 and substituting instead the language and punctuation "AND IS FURTHER AMENDED by redesignating existing Section 39-13-203 as 39-13-204 and by renumbering the subsequent existing sections accordingly;"

AND IS FURTHER AMENDED by deleting the language and punctuation "AND IS FURTHER AMENDED by redesignating existing Section 39-13-206 as Section 39-13-210 and renumbering the subsequent existing subsections accordingly;" in SECTION 1 and substituting instead the language and punctuation "AND FURTHER AMEND by redesignating existing Section 39-13-206 as Section 39-13-210 and renumbering the subsequent existing sections accordingly;"

**Senate Amendment No. 2 to Amendment No. 1**

AMEND House Bill No. 2107 by adding a new section 2 to read

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as follows:

**SECTION 2.** The determination by the trier of fact that the defendant is not mentally retarded shall not be appealable by interlocutory appeal but may be a basis of appeal by either the state or defendant following the sentencing stage of the trial. **AND FURTHER AMEND** by renumbering all subsequent sections accordingly.

Rep. Jackson moved that the House concur in Senate Amendment(s) No(s). 1, as amended, to House Bill No. 2107, which motion prevailed by the following vote:

Ayes. . . . .	87
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 87.

Representatives present and not voting were: Moody -- 1.

**Senate Amendment No. 2**

**AMEND** House Bill No. 2107 by deleting the word "governor" wherever it appears in the original Section 1 and by substituting instead the words "commissioner of safety".

**AND FURTHER AMEND** by deleting the words "secretary of state" in the original Section 7 and by substituting instead the words "commissioner of safety".

**AND FURTHER AMEND** by deleting the word "governor" from the amendatory language in the original Section 8 and by substituting instead the words "commissioner of safety".

Rep. Jackson moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 2107, which motion prevailed by the following vote:

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Ayes. . . . .	92
Noes. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odum, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representatives voting no were: Moody, Ussery -- 2.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2178 -- Consumer Protection -- Makes unfair and deceptive acts under the Consumer Protection Act of 1977 criminal. Amends TCA, Title 47, Ch. 18, Pt. 1.**

#### Senate Amendment No. 1

Amend House Bill No. 2178 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 47-18-104(a) is amended by deleting "unlawful." and by substituting instead "Class B misdemeanors."

Rep. Burnett moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2178, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore



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(Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1703 -- Judges and Chancellors -- Enacts "Senior Judge Enabling Act of 1990".**

**Senate Amendment No. 2**

Amend House Bill No. 1703 by deleting the period at the end of the second sentence of SECTION 8 and substituting instead the following:

nor shall this act be used to supplant or replace an existing judge or an additional judge that is to be elected pursuant to Tennessee Code Annotated, Section 16-2-505.

**Senate Amendment No. 3**

Amend House Bill No. 1703 by deleting from the last new section added by House Amendment No. 1 the following sentence:

The provisions of this act shall be subject to the funding being provided in the General Appropriations Act. and substituting the following sentence:

Notwithstanding any provision of this act to the contrary, annual expenditures made to carry out the purposes of this act shall be subject to and shall not exceed the specific funding amount provided in each year's General Appropriations act for the funding of the provisions of this act.

Rep. Naifeh moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to House Bill No. 1703, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good,

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Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0196 -- Education, Higher -- Gives certain tuition discounts for state institutions of higher education to children of certified teachers in public schools. Amends TCA, Title 49, Ch. 7, Pt. 1.

#### Senate Amendment No. 1

AMEND House Bill No. 196 by deleting Section 1 of the printed bill in its entirety and by substituting instead the following:

#### Section 1.

(a) Every child in Tennessee under the age of twenty-four (24) whose parent is employed as a full time certified teacher in any public school in Tennessee, shall receive a twenty-five percent (25%) discount on tuition to any state operated institution of higher learning.

(b) The Tennessee Higher Education Commission is hereby directed, authorized, and empowered to promulgate and adopt such rules and regulations as are necessary to implement the provisions of this act, including rules and regulations for the allocation of appropriations specifically appropriated for the implementation of the provisions of this act.

(c) Any reimbursements to a state operated institution of higher learning for the tuition discounts provided by this act shall be limited to those funds specifically appropriated for that purpose in the General Appropriation Act; such reimbursement shall be limited to providing for the discount on tuition provided for in this act.

AND FURTHER AMEND by deleting in Section 2 the date "July 1, 1989" and by substituting instead the following: July 1, 1990

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Rep. Davis (Cocke) moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 196, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2272** -- Hospitals and Health Care Facilities -- Revises law with respect to nursing homes. Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5.

On motion, House Bill No. 2272 was made to conform with Senate Bill No. 1782.

On motion, **Senate Bill No. 1782**, on same subject, was substituted for House Bill No. 2272.

Rep. Starnes moved that **Senate Bill No. 1782** be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Starnes moved that **Senate Bill No. 1782** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . . 72  
Noes. . . . . 19

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Givens, Good, Harrill, Hassell, Haun, Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, Kisber, McAfee, McDaniel, Moody, Moore (Lawrence), Naifeh, Niceley, Nuber, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Webb, Wheeler, Williams, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 72.

Representatives voting no were: Byrd, Davidson, Gaia, Gunnels, Halteman, Head, Henry (Putnam), Henry (Roane), Jackson, Peroulas, Phillips, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson, Winningham, Wix -- 19.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1782 and have this statement entered in the Journal.

Rep. Joe Burchfield

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1556; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REGULAR CALENDAR, CONTINUED**

House Bill No. 2670 -- Election Laws -- Provides printout containing names and addresses of all eligible voters and space for signature at each polling place in Gibson County. Amends TCA 2-5-216.

On motion, House Bill No. 2670 was made to conform with Senate Bill No. 2697.

On motion, Senate Bill No. 2697, on same subject, was

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substituted for House Bill No. 2670.

Rep. Davis (Gibson) moved that Senate Bill No. 2697 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Bill No. 2339 -- Education -- Creates Post-Secondary Enrollment Options Act. Amends TCA, Title 49, Chs. 6, 7.

On motion, House Bill No. 2339 was made to conform with Senate Bill No. 1882.

On motion, Senate Bill No. 1882, on same subject, was substituted for House Bill No. 2339.

Rep. Haun moved that Senate Bill No. 1882 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Haun moved that Senate Bill No. 1882 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott,

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Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**BILL RECALLED**

Rep. Armstrong moved, pursuant to Rule No. 53, to recall Senate Bill No. 2458 from the Calendar and Rules Committee for immediate consideration, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2685 -- Election Laws -- Requires county election commission to provide printout containing names and addresses of eligible voters and space for signature of voter in Knox County. Amends TCA 2-5-216.**

Rep. Severance moved that House Bill No. 2685 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

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CHAIR TO SPEAKER

Mr. Speaker Murray resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1784 -- Solid Waste Disposal -- Prohibits counties and municipalities outside county from applying for landfill permit in county. Amends TCA 68-31-106.

On motion, House Bill No. 1784 was made to conform with Senate Bill No. 1963.

On motion, Senate Bill No. 1963, on same subject, was substituted for House Bill No. 1784.

Rep. Moore (Lawrence) moved that Senate Bill No. 1963 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Moore (Lawrence) moved that Senate Bill No. 1963 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

A motion to reconsider was tabled.

House Bill No. 2361 -- Salaries and Benefits -- Expands eligibility for state group insurance to include certain part time employees. Amends TCA 8-27-201.

Rep. DeBerry moved that House Bill No. 2361 be passed on third and final consideration.

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Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2361 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2361 by deleting the amendatory language of Section 1, and by substituting instead the following language:

The group insurance plan for state employees shall include as eligible employees, each officer and employee of the several departments and agencies of state government who, having been employed by the state for at least forty-five (45) months, will work one thousand four hundred fifty (1,450) hours or more in a fiscal year whether compensated on hourly, daily, monthly or on a piecework basis.

On motion, Amendment No. 2 was adopted.

Rep. Cain moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Love moved the previous question, which motion prevailed.

Thereupon, Rep. DeBerry moved that House Bill No. 2361, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam),



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Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1887; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2119; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REGULAR CALENDAR, CONTINUED**

\*House Resolution No. 0099 -- General Assembly, Review Or Ratification of Rules -- Ratifies Uniform Child Support Guideline Rules promulgated by Supreme Court.

Rep. Burnett moved that House Resolution No. 99 be adopted, which motion prevailed, with Reps. Stamps and Williams voting no.

A motion to reconsider was tabled.

House Bill No. 0820 -- Handicapped Persons -- Prohibits housing discrimination on basis of handicap or "familial status"; requires accessibility to handicapped of certain multi-family dwellings. Amends TCA, Title 4, Ch. 21.

Further consideration of House Bill No. 820, previously considered on April 9 and 11, 1990, at which time it was reset to the calendar for April 12, 1990.

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On motion of Rep. DeBerry, House Bill No. 820 was withdrawn from the House.

**Senate Bill No. 2109 -- Education --** Permits criteria to withhold student records until certain debts are paid. Amends TCA 49-1-302.

Further consideration of Senate Bill No. 2109, previously considered on April 9, 1990, when it was substituted for House Bill No. 1808; we lifted the tabling motion, reconsidered our action in passing the bill and reset it to April 11, 1990, then the bill was reset to the Calendar for April 12, 1990.

Rep. Henry (Putnam) moved that **Senate Bill No. 2109** be passed on third and final consideration.

Rep. Henry (Putnam) moved to amend as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2109 by adding to the amendatory language of Section 1 between the words "school" and "until" the words "or a student who has taken property which belongs to a local school or any agency thereof".

AND FURTHER AMEND by adding at the end of the amendatory language of Section 1 the following language:

Such rules and regulations shall not permit the imposition of sanctions against a student who is without fault.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Henry (Putnam) moved that **Senate Bill No. 2109**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance,

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Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

**MR. SPEAKER:** I am directed to return to the House, Senate Bill No. 957.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**RULES SUSPENDED**

Rep. Rhinehart moved to suspend Rule No. 59 to call up House Bill No. 1887 out of order, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 1887 -- District Attorneys -- Increases base salaries of district attorneys general. Amends TCA, Title 8, Ch. 7.**

**Senate Amendment No. 1**

**AMEND House Bill No. 1887 by deleting Sections 1 through 3 and substituting instead the following:**

**SECTION 1.** Tennessee Code Annotated, Title 8, Chapter 7, is amended by deleting the existing language of Section 8-7-105 in its entirety and substituting instead the following:

(a) On July 1, 1990, the salary for district attorneys general shall be sixty-eight thousand dollars (\$68,000) per annum. On July 1, 1991, the base salary for district attorneys general shall become seventy-four thousand one hundred dollars (\$74,100) per annum.

(b) On July 1, 1992, and on each succeeding July 1, the base salary fixed in subsection (a) shall be increased by the average percentage increase provided for state employees by the General Appropriations

Act. Provided, however, no such increase shall be made to the extent it would exceed the salary provided by law for judges of the circuit, chancery and criminal courts.

(c) For the sole purpose of calculating the salaries payable to assistant district attorneys general under the provisions of Section 8-7-201, the annual compensation of a district attorney general shall be deemed to be as follows:

(1) For full-time assistant district attorneys general through the end of the final fiscal year in which they are eligible for step increases, the salary provided by law for district attorneys general for the 1982-83 fiscal year; and

(2) Effective July 1, 1990, for full-time assistant district attorneys general no longer eligible for step increases, a base salary equal to the salary provided by law for district attorneys general for the 1989-1990 fiscal year, adjusted on July 1, 1990 by the percentage set out in subsection (b); and

(3) Effective July 1, 1991, for full-time assistant district attorneys general no longer eligible for step increases, but having less than 12 years of credited service as an assistant district attorney general or district attorney general in Tennessee, a base salary equal to the salary provided by law for district attorneys general for the 1989-1990 fiscal year, adjusted as set out in subsection (c)(2), and further adjusted on July 1, 1991 and on each succeeding July 1, by the percentage set out in subsection (b).

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 7 is amended by adding the following as a new subsection of Section 8-7-201:

(d) (1) Notwithstanding the foregoing, on and after July 1, 1991, any full-time assistant district attorney no longer eligible for step increases under this section who has at least twelve years of credit service as an assistant district attorney general in Tennessee shall be compensated according to the following schedule of such credited service:

(A) At least twelve (12) years, but less than sixteen (16) years, an amount per annum equal to eighty percent (80%) of the credited

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annual compensation of a district attorney general as set by Section 8-7-105.

(B) At least sixteen (16) years, but less than twenty (20) years, an amount per annum equal to eighty-two and one-half percent (82.5%) of the credited annual compensation of a district attorney general as set by Section 8-7-105.

(C) Twenty (20) or more years, eighty-five percent (85%) of the credited annual compensation of a district attorney general as set by Section 8-7-105.

(2) Compensation computed pursuant to the above schedule shall be recomputed annually, to allow for any adjustments to the district attorney general's salary.

SECTION 3. This act shall have no effect unless funding for its implementation is included in the general appropriations act.

SECTION 4. This act shall take effect on July 1, 1990, the public welfare requiring it.

Senate Amendment No. 1 to Amendment No. 1

Amend House Bill No. 1887 by deleting the second sentence of subsection (b) of Section 1 as amended by Senate Judiciary Committee Amendment 1 and Senate Amendment 2 and by substituting instead the following:

Provided, however, no such increase shall be made to the extent it would exceed seventy-four thousand one hundred dollars (\$74,100).

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 1, as amended, to House Bill No. 1887, which motion prevailed by the following vote:

Ayes. . . . .	85
Noes. . . . .	7
Present and not voting. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore

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(Lawrence), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Yelton, Mr. Speaker Murray -- 85.

Representatives voting no were: Chiles, Givens, McAfee, Scruggs, Stamps, Turner, L. (Shelby), Wood -- 7.

Representatives present and not voting were: Holcomb, Moore (Shelby), Pinion -- 3.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2680 -- Lewis County -- Prohibits location of solid waste disposal facilities from other counties or cities unless the county legislative body approves such facilities.**

Further consideration of House Bill No. 2680, previously considered on April 9 and 11, 1990, at which time Amendment(s) No(s). 1 and 2 were adopted, a motion was made to adopt Amendment No. 3, at which time it was reset to the calendar for April 12, 1990.

Rep. Moore (Lawrence) moved that House Bill No. 2680 be passed on third and final consideration.

Rep. Moore (Lawrence) moved to reconsider our action in adopting Amendments Nos. 1 and 2, which motion prevailed. On motion Amendments Nos. 1 and 2 were withdrawn.

Rep. Moore (Lawrence) moved that House Bill No. 2680 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	0
Present and not voting. . . . .	4

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, McAfee, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb,

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West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representatives present and not voting were: Givens, Holcomb, Love, Moore (Shelby) -- 4.

A motion to reconsider was tabled.

**House Bill No. 2506** -- Gas, Petroleum Products, Volatile Oils -- Levies environmental assurance fee for petroleum underground storage tank fund; establishes reporting and cleanup guidelines for leaking tanks. Amends TCA, Title 67, Ch. 3, Pt. 9; Title 68, Ch. 53, Pt. 1.

Further consideration of House Bill No. 2506, previously considered on April 11, 1990, at which time it was reset to April 12, 1990.

On motion of Rep. Head, House Bill No. 2506 was withdrawn from the House.

**House Bill No. 1969** -- Eminent Domain -- Authorizes cities and counties to take certain blighted and deteriorated property by eminent domain for certain purposes in certain circumstances.

Further consideration of House Bill No. 1969, previously considered on April 11, 1990, at which time it was reset to the calendar for April 12, 1990.

Rep. Davis (Knox) moved that House Bill No. 1969 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1969 by adding at the end of Section 2(1) the following language:

Provided, however, "blighted" or "deteriorated" shall not be construed to apply to any property used for agricultural purposes.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2, which motion he then withdrew.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

Amendment No. 2

Amend House Bill No. 1969 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Davis (Knox) moved to amend as follows:

Amendment No. 3

Amend House Bill No. 1969 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall only apply in counties having a population, according to the 1980 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
319,625	319,725
287,700	287,800
770,000	780,000
67,500	67,600
48,400	48,500

On motion, Amendment No. 3 was adopted.

Rep. West moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. L. Turner (Shelby) moved to amend as follows:

Amendment No. 4

Amend House Bill No. 1969 by deleting the following figures from the county population table within the new section added by Amendment No. 3:

"770,000                      780,000"

On motion, Amendment No. 4 was adopted.

Thereupon, Rep. Davis (Knox) moved that House Bill No. 1969, as



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amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	81
Noes . . . . .	4
Present and not voting . . . . .	5

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Mr. Speaker Murray -- 81.

Representatives voting no were: Callicott, Holcomb, McAfee, Wolfe -- 4.

Representatives present and not voting were: Givens, Hassell, Moody, Moore (Shelby), Shirley -- 5.

A motion to reconsider was tabled.

**\*House Resolution No. 0141 -- General Assembly, Studies -- Creates special committee to study registry of election finance.**

Rep. Kisber moved that House Resolution No. 141 be re-referred to the Calendar and Rules Committee, which motion prevailed.

**\*House Bill No. 2230 -- Assessors -- Gives taxpayers and assessors rights of appeal on certain assessments. Amends TCA, Title 67.**

Rep. Williams moved that House Bill No. 2230 be held on the Clerk's desk, which motion prevailed.

**MOTION TO RECONSIDER**

**\*Senate Bill No. 2458 -- Dieticians and Nutritionists -- Requires nursing homes to employ certain trained dietetic personnel. Amends TCA, Title 68, Ch. 11.**

Rep. Armstrong moved that Senate Bill No. 2458 be passed on third and final consideration.

Rep. Starnes moved to reconsider our action on Amendment No. 1,

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which motion prevailed by the following vote:

Ayes. . . . .	48
Noes. . . . .	34

Representatives voting aye were: Anderson, Armstrong, Bittle, Bragg, Buck, Burchfield, Burnett, Cain, Clark, Cole, Collier, Cross, Curlee, Davidson, Davis (Cocke), DeBerry, DePriest, Dixon, Good, Harrill, Haun, Head, Hillis, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), King, McAfee, McDaniel, Moody, Naifeh, Napier, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Turner (Hamilton), Ussery, Wheeler, Yelton, Mr. Speaker Murray -- 48.

Representatives voting no were: Bivens, Byrd, Callicott, Chiles, Gaia, Givens, Gunnels, Halteman, Hassell, Henry (Putnam), Henry (Roane), Herron, Hobbs, Jackson, Kent, Kernell, Moore (Shelby), Niceley, Nuber, Odom, Peroulas, Phillips, Shirley, Sipes, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Whitson, Williams, Wix, Wolfe, Wood -- 34.

Rep. Rhinehart moved to reject Amendment No. 1.

Rep. Naifeh moved the previous question, which motion failed.

Rep. Rhinehart renewed the motion to reject Amendment No. 1.

Rep. Burnett moved to table the motion to reject Amendment No. 1, which motion prevailed by the following vote:

Ayes. . . . .	61
Noes. . . . .	24
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Austin, Bittle, Bivens, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Crain, Curlee, Davis (Gibson), Davis (Knox), Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holcomb, Holt, Hubbard, Jackson, Kent, Kernell, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Ridgeway, Robinson (Davidson), Scruggs, Shirley, Sipes, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 61.

Representatives voting no were: Bragg, Buck, Clark, Cross, Davidson, DePriest, Dixon, Harrill, Haun, Head, Hillis, King, Kisber, McDaniel, Naifeh, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Robinson (Washington), Severance, Stallings, Starnes, Ussery -- 24.

Representatives present and not voting were: Whitson -- 1.

Rep. Chiles moved the previous question, which motion prevailed.

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Thereupon, Rep. Gaia renewed the motion to adopt Amendment No. 1, which motion prevailed.

Thereupon, Rep. Armstrong moved that Senate Bill No. 2458, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	81
Noes. . . . .	9

Representatives voting aye were: Anderson, Armstrong, Austin, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Cole, Collier, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 81.

Representatives voting no were: Bragg, Chiles, Coffey, Davidson, Head, Severance, Starnes, Ussery, Winningham -- 9.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2507.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REGULAR CALENDAR, CONTINUED**

\*House Bill No. 2541 -- Taxes, Ad Valorem -- Requires certain businesses to annually file for assessment of ad valorem taxation on certain tangible personal property. Amends TCA, Title 67, Ch. 5, Pt. 9.

Rep. U. Jones moved that House Bill No. 2541 be passed on third and final consideration.

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Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2541 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall only apply in counties having a population in excess of 700,000 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. Shirley moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 2541 by adding the following appropriately numbered new section:

SECTION \_\_\_\_\_. Notwithstanding the provisions of this act to the contrary, this act shall not apply to any county having a population in excess of seven hundred thousand (700,000) according to the 1980 federal census of population or any subsequent federal census.

Rep. U. Jones moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes . . . . .	24
Noes . . . . .	41
Present and not voting . . . . .	4

Representatives voting aye were: Armstrong, Bragg, Burnett, Cain, Curlee, DeBerry, Dixon, Gaia, Hillis, Holcomb, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Love, Naifeh, Pruitt, Purcell, Robinson (Hamilton), Stallings, Starnes, Turner, L. (Shelby), Mr. Speaker Murray -- 24.

Representatives voting no were: Bittle, Bivens, Callicott, Chiles, Cole, Cross, Davis (Gibson), Givens, Good, Gunnels, Halteman, Harrill, Hassell, Head, Henry (Putnam), Henry (Roane), Holt, Jackson, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Niceley, Nuber, Odom, Peroulas, Pinion, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Shirley, Sipes, Stamps, Turner, C. (Shelby), Ussery, West, Williams, Wix, Wolfe, Wood -- 41.

Representatives present and not voting were: Clark, DePriest, Hobbs, Napier -- 4.

Thereupon, Rep. Shirley renewed the motion to adopt Amendment

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No. 2, which motion prevailed.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. C. Turner (Shelby) moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

**Amendment No. 3**

Amend House Bill No. 2541 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

Section \_\_\_\_\_. The provisions of this act shall only apply in counties having a population in excess of seven hundred seventy thousand (770,000) according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 3 was adopted.

Rep. Shirley moved that House Bill No. 2541 be re-referred to the Calendar and Rules Committee.

Rep. U. Jones moved to table the motion to re-refer, which motion failed.

Thereupon, Rep. Shirley renewed the motion to re-refer House Bill No. 2541 to Calendar and Rules Committee.

Rep U. Jones moved that House Bill No. 2451 be held on the Clerk's desk, which motion prevailed.

**House Bill No. 2560 -- Taxes, Real Property -- Enacts "Beneficial Use Tax Act of 1990". Amends TCA, Title 67, Ch. 4, Pt. 5; Title 67, Ch. 5, Pt. 2.**

Further consideration of House Bill No. 2560, previously considered April 4, April 9 and April 11, 1990. On April 4, Amendments Nos. 1 and 2 were adopted; on April 11, Amendment No. 2 was withdrawn, Amendments Nos. 3, 4, 5 and 6 were adopted, the bill failed for lack of a constitutional majority and was re-referred to the Calendar and Rules Committee. On April 12, it was placed on the calendar for that day.

Rep. Wheeler moved that House Bill No. 2560 be passed on third and final consideration.

Rep. Davis (Gibson) moved to amend as follows:

Amendment No. 7

Amend House Bill No. 2560 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The joint tax study committee shall study the impact of the provisions of this act and report its findings to the Ninety-Seventh General Assembly.

Rep. Severance moved the previous question, which motion prevailed.

Thereupon, Rep. Davis (Gibson) renew his motion to adoption of Amendment No. 7.

On motion, Amendment No. 7 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. Wheeler moved that House Bill No. 2560, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	75
Noes. . . . .	15
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Austin, Bell, Bivens, Bragg, Burnett, Cain, Callicott, Chiles, Clark, Coffey, Collier, Cross, Davidson, Davis (Cocke), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 75.

Representatives voting no were: Bittle, Burchfield, Byrd, Copeland, Crain, Curlee, Davis (Gibson), Davis (Knox), Halteman, Jackson, Jones, R. (Shelby), Scruggs, Turner, C. (Shelby), West, Whitson -- 15.

Representatives present and not voting were: Cole, McAfee -- 2.

A motion to reconsider was tabled.

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MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 651; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Joint Resolution No. 0651 -- Memorials, Condolence -- Honors memory of Richard S. Borys.

RULES SUSPENDED

Rep. Naifeh moved to suspend Rule No. 59 to take up the Senate Messages at this time, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

\*House Bill No. 1556 -- State Officials -- Provides for suspension from office of certain state officials for certain offenses. Amends TCA, Titles 8, 39.

Senate Amendment No. 1

AMEND House Bill No. 1556 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 47, is amended by designating the existing language as Part 1 and by adding the following to be designated as Part 2:

Section 8-47-201. As used in this part, "public official" means any person appointed or elected by the general assembly for a term of years.

Section 8-47-202. Upon indictment for a felony offense relating to the performance or activities of the office of any public official by a grand jury of this state or by the United States, the attorney general and reporter or the district attorney general in whose district the offense was alleged to have been committed shall transmit a certified copy of the indictment to the governor who may, subject to Section 8-47-204 of this part, appoint a review commission. The commission shall be composed of the attorney general and reporter, and two (2) other public officials. If the attorney general and reporter is the official bringing the indictment against the public official or if the attorney general and reporter is otherwise unable to serve, he shall not serve on the commission. In such case, the governor shall appoint a retired supreme court justice or a retired court of appeals

judge. The commission shall provide for a speedy hearing, including notice of the nature and cause of the hearing, process for obtaining witnesses, and the assistance of counsel. The commission shall promptly begin and complete its proceedings. If the commission determines that the indictment relates to and adversely affects the administration of the office of the indicted public official and that the rights and interests of the public are adversely affected thereby, the governor may suspend the public official immediately and without further action pending the final disposition of the case or until the expiration of the public official's term of office, whichever occurs first. During the term of office to which such official was elected and in which the indictment occurred, if a nolle prosequi is entered, if the public official is acquitted, or if after conviction the conviction is later overturned by an appellate court, the official shall be immediately reinstated to the office from which he was suspended. While a public official is suspended pursuant to this part and until initial conviction by the trial court, the official shall continue to receive the compensation from his office. After initial conviction by the trial court, the official shall not be entitled to receive the compensation from his office. If the official is reinstated to office, he shall be entitled to receive compensation withheld under the provisions of this subsection.

Section 8-47-203. The speaker of the senate and the speaker of the house of representatives shall jointly appoint a replacement official for any official suspended pursuant to this part. Upon a final conviction with no appeal or review pending, the office of such official shall be declared vacant and a successor to that office shall be chosen as provided by law.

Section 8-47-204. No commission shall be appointed for a period of fourteen (14) days from the date the indictment is received. This period of time may be extended by the governor. A public official may take a leave of absence as provided in Section 8-47-221, notwithstanding the pendency of a removal proceeding.

Section 8-47-205. After any suspension is imposed pursuant to this part, the suspended public official may petition the appointing authority for a review. The governor may reappoint the commission to review the suspension. The commission shall promptly begin and complete its proceedings. If the commission recommends that the public official be reinstated, he shall immediately be reinstated to office.

Section 8-47-206. The report and records of the commission and the fact that the public official has or has not been suspended shall not be admissible in evidence in



any court for any purpose. The report and record of the commission shall not be open to the public nor shall it be considered a public record.

Section 8-47-207. If a public official who is suspended from office under the provisions of this part is not tried within nine (9) month of the date of the indictment, the suspension shall be terminated and the public official shall be reinstated to office. A delay in the trial caused by a continuance sought by the public official shall not be used in computing the nine (9) month period. The governor shall in the governor's sole discretion compute the time and determine the eligibility for reinstatement under this section.

Section 8-47-208. Upon initial conviction of any public official as defined in this part for any felony in a trial court of this state or the United States, regardless of whether such official has been previously suspended pursuant to this part, such public official shall be immediately and without further action suspended from office. While a public official is suspended from office under this section, he shall not be entitled to receive the compensation from his office. If the conviction is later overturned by an appellate court, the public official shall be immediately reinstated to the office from which he was suspended if the term of the public official has not expired and shall be entitled to receive any compensation withheld under the provisions of this section and any other compensation otherwise due. Upon a final conviction with no appeal or review pending, the office shall be declared vacant and a successor to such office shall be chosen as provided by law.

Sections 8-47-209 -- 8-47-220 (RESERVED).

Section 8-47-221.

(a) Any public official who is by presentment or indictment charged with a felony offense or an offense which would be a felony if committed in this state may take a leave of absence from office effective on the date such presentment or indictment is returned.

(b) Upon the taking of leave of any official pursuant to subsection (a) of this section, the general assembly shall elect or appoint in the same manner the official was elected or appointed an interim replacement for such official who shall serve during the period of the leave. If the general assembly is not in session when an official takes leave pursuant to subsection (a), the speaker of the senate and speaker of the house shall jointly appoint a person to serve as the interim replacement until the general assembly elects or appoints an interim replacement. The interim replacement shall receive the

same compensation and shall have the same powers, duties and responsibilities as the official he or she is replacing.

Section 8-47-222.

(a) Any official who takes leave pursuant to this act shall immediately relinquish any documents, equipment, credit cards, expense authorizations, state vehicle or other state property, and keys to any state office, facility or equipment in such official's possession to the chief administrative officer of the agency or entity in which such official serves.

(b) During an official's period of leave under this act, such official shall only be allowed to enter the office or office space of the agency or entity in which such official served under the direct supervision of the official's interim replacement and only for the purpose of removing his or her personal property or conducting business as a private citizen.

(c) During an official's period of leave under this act, such official shall not perform any of the duties or responsibilities of the office from which he or she has taken leave. If, however, contact with such official by other officials or employees is necessary to perform the duties or responsibilities of such office, such contact shall only be initiated and conducted by or with the consent of the interim replacement.

(d) During an official's period of leave pursuant to this act, he or she shall receive no compensation, per diem payment, expense reimbursement or other privilege or emolument of office unless such compensation, payment, reimbursement, privilege or emolument was earned prior to the date of taking leave.

Section 8-42-223

(a) An official's period of leave pursuant to this act shall end upon the final disposition at the trial court level of the charge or charges resulting in the suspension, the official's removal from office as provided in Tennessee Code Annotated, Title 8, Chapter 47, the official's impeachment as provided in Article V of the Constitution of Tennessee, the official's death or resignation, or the end of the term to which such official was elected or appointed, whichever event shall occur first.

(b) Any official taking leave pursuant to this act who is found not guilty of the charge or charges which resulted in his or her suspension shall be immediately reinstated and shall receive all compensation and emoluments of office which were not paid during the period of suspension.

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(c) The office of any official taking leave pursuant to this act shall be vacant upon the official's conviction at the trial court level of any of the charges which resulted in his or her suspension. Such vacancy shall be filled as provided by law.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Naifeh moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1556, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Maun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives voting no were: Williams -- 1.

A motion to reconsider was tabled.

#### Senate Amendment No. 2

AMEND House Bill No. 1556 by deleting Section 8-47-201 of SECTION 1 as amended by Senate State and Local Government Committee Amendment 1 and substituting instead the following:

Section 8-47-201. As used in this part, "public official" means any person who is employed by the state of Tennessee.

AND FURTHER AMEND by adding the following new section

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immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Naifeh moved that the House nonconcur in Senate Amendment(s) No(s). 2 to House Bill No. 1556, which motion prevailed.

**ENGROSSED BILLS  
April 12, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2031, 2038, 2215 and 2383; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2358 -- State Employees --** Authorizes enrollment opportunities for state employees in state higher education institutions. Amends TCA, Title 8, Ch. 50, Pt. 1.

**Senate Amendment No. 1**

AMEND House Bill No. 2358 by adding the following new subsections at the end of the amendatory language of Section 1:

( ) The Tennessee Higher Education Commission is hereby directed, authorized, and empowered to promulgate and adopt such rules and regulations as are necessary to implement the provisions of this act, including rules and regulations for the allocation of appropriations specifically appropriated for the implementation of the provisions of this act.

( ) The Tennessee Higher Education Commission and the Commissioner of Finance and Administration are directed to adjust budget recommendations to exclude the effect of the enrollments authorized by this act from appropriation recommendations to the general assembly. Any reimbursements to the state supported colleges or

universities or area vocational-technical schools for the enrollments provided by this act shall be limited to those funds specifically appropriated for that purpose in the General Appropriation Act; such reimbursement shall be limited to assessed charges and fees of enrollment.

AND FURTHER AMEND by deleting subsection (b) of the amendatory language of Section 1 in its entirety and by substituting instead the following:

(b) Enrollment privileges may be limited or denied by the college, university, or area vocational-technical school on an individual basis according to space availability. Enrollment under the provisions of this section shall be on a first-come-first-served basis. No tuition paying student shall be denied enrollment in a course because of state employee enrollment pursuant to this section.

**Senate Amendment No. 1 to Amendment No. 1**

Amend House Bill No. 2358 by deleting the first sentence of the second paragraph of the amendatory language of Amendment One and substituting instead the following language:

The number of students permitted to attend classes beyond the limits established in this Act or in the General Appropriation Act for any fiscal year shall be discounted from the effects of the higher education funding formula by the Tennessee Higher Education Commission.

Rep. Ridgeway moved that the House concur in Senate Amendment(s) No(s). 1, as amended, to House Bill No. 2358, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

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MESSAGE FROM THE SENATE

April 12, 1990

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2505; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2570; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Bill No. 2570 -- Assessors -- Gives taxpayers and assessors rights of appeal on certain assessments. Amends TCA, Title 67.

MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 443; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

\*Senate Joint Resolution No. 0443 -- General Assembly, Studies -- Creates study committee to investigate establishment of capital fund for arts.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2119 -- Health -- Creates within legislative branch black health care commission. Amends TCA, Titles 3, 33, 68, 71.

Senate Amendment No. 2

House Bill No. 2119 is hereby amended as follows:

Section 1. Tennessee Code Annotated, Section 68-11-106(a)(1), is amended by inserting the following language immediately after the word "institution":

, other than a replacement facility for a hospital which has been temporarily closed and evacuated due,

in any part, to flooding conditions on its site. Further, any replacement hospital facility referenced in the prior sentence must be constructed in the same county as the facility it replaces and will contain a number of licensed beds equal to, or lower than, the number of licensed beds in the facility it replaces. Any replacement hospital facility, which meets the conditions set forth above, shall provide a credit to the State of Tennessee in the amount of any increase in capital related costs to the State's Medicaid program directly attributable to the construction of the replacement facility. In determining the amount of the foregoing credit, the Bureau of Medicaid shall calculate said increase in capital related costs, if any, by subtracting the actual capital related costs incurred by the hospital for land and building in its cost reporting period immediately prior to the opening of the replacement facility from the actual capital related costs incurred by the replacement hospital facility for land and building during its initial cost reporting period. If either or both of the two cost reporting periods involved are for a period of other than twelve (12) months, the actual capital related costs shall be annualized to the amount such costs would have been had such cost reporting period or periods been for a period of twelve (12) months. The exemption set forth under this act for certain replacement hospital facilities applies only to those hospitals which meet the conditions prescribed herein prior to July 1, 1990 and which document to the commission expenditures of at least \$250,000 on the replacement hospital facility prior to July 1, 1990.

Section 2. Tennessee Code Annotated, Section 68-11-106(a)2), is amended by inserting the following language immediately after the words "patient care" in the last line of that subsection:

or to a replacement hospital facility which does not require a certificate of need pursuant to Section 68-11-106(a)(1)

Section 3. Tennessee Code Annotated, Section 68-11-106(a)(5), is amended by inserting the following language immediately after the words "agencies" and preceding the word "as":

or a replacement hospital facility as defined in Section 68-11-106(1) which, after construction, remains within the same county as the hospital it replaces.

Section 4. Tennessee Code Annotated, Section 68-11-106(a)(3)(A) is amended by inserting the following language immediately after the word "site" as it appears on

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the third line of that subsection:

except for a replacement hospital facility which meets the conditions of Section 68-11-106(a)(1).

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**Senate Amendment No. 3**

Amend House Bill No. 2119 by deleting Section 5 in its entirety and by substituting instead the following:

Section 5. Tennessee Code Annotated, Section 4-29-212(a), is amended by adding a new item thereto, as follows:

( ) Black health care commission, created by Section 1 of this act;

**Senate Amendment No. 4**

Amend House Bill No. 2119 by deleting Section 5 in its entirety and by substituting instead the following:

Section 5. Tennessee Code Annotated, Section 4-29-212(a), is amended by adding a new item thereto, as follows:

( ) Black health care commission, created by Section 1 of this act;

Rep. Armstrong moved that the House nonconcur in Senate Amendment(s) No(s). 2, 3 and 4 to House Bill No. 2119, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**Senate Bill No. 0957 -- Real Property -- Enacts Uniform Conservation Easement Law. Amends TCA, Title 66, Ch. 9.**

Rep. Dixon moved that **Senate Bill No. 957** be held on the Clerk's desk, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2031 -- County Officers -- Revises county classifications; establishes salaries of officers. Amends TCA, Title 8, Chs. 22, 24.**



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Senate Amendment No. 12

Amend House Bill No. 2031 by deleting Section 8 in its entirety and by renumbering the remaining Sections accordingly.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 12 to House Bill No. 2031, which motion prevailed by the following vote:

Ayes. . . . .	61
Noes. . . . .	21
Present and not voting. . . . .	3

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Gaia, Garrett, Givens, Good, Gunnels, Harrill, Herron, Hillis, Hobbs, Holt, Jackson, Jones, U. (Shelby), Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Phillips, Pinion, Purcell, Rhinehart, Robinson (Washington), Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Ussery, Webb, West, Wheeler, Whitson, Wix, Wood, Mr. Speaker Murray -- 61.

Representatives voting no were: Austin, Byrd, Cain, Chiles, Davis (Knox), Dixon, Hassell, Haun, Head, Henry (Roane), Kent, McAfee, Niceley, Nuber, Peroulas, Pruitt, Shirley, Turner, C. (Shelby), Turner, L. (Shelby), Williams, Wolfe -- 21.

Representatives present and not voting were: Holcomb, Hubbard, Scruggs -- 3.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 12, 1990

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2329; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

ENGROSSED BILLS

April 12, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1969; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

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HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2329 -- Taxes, Real Property -- Establishes deadline for refund of excess tax payment to successful appellant. Amends TCA, Title 67, Ch. 5.

Senate Amendment No. 2

Amend House Bill No. 2329 by deleting Section 3, as amended, and by substituting instead the following:

SECTION 3. This act shall take effect on January 1, 1991, the public welfare requiring it.

Senate Amendment No. 3

Amend House Bill No. 2329 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county in having a population of not less than 470,000 nor more than 480,000 according to the 1980 federal census or any subsequent federal census.

Senate Amendment No. 5

Amend House Bill No. 2329 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall only apply in counties having a population greater than 770,000 according to the 1980 federal census or any subsequent federal census.

Rep. Cross moved that the House concur in Senate Amendment(s) No(s). 2, 3 and 5 to House Bill No. 2329, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes,

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Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1969; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**RULES SUSPENDED**

Rep. Hillis moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 552 out of order, which motion prevailed.

\*Senate Joint Resolution No. 0552 -- Memorials, Government Officials -- Urges state print shops to use, print and bind materials which permit recycling.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hillis, the resolution was concurred in.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Naifeh moved to suspend Rule No. 17 to allow all congratulatory and memorializing resolutions properly lying on the desk to be introduced and placed on a supplemental consent calendar, which motion prevailed.

**SUPPLEMENTAL CONSENT CALENDAR**

House Resolution No. 0222 -- Memorials, Interns -- Honors Jason E. Beddoe, 1990 legislative intern. by \*Stamps.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0224 -- Memorials, Recognition -- Honors Hensleys Food Center for participation in Adopt A School Program. by \*Wheeler.

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Introduced; placed on supplemental consent calendar.

**House Resolution No. 0225 -- Memorials, Recognition -- Honors First State Bank of Maynardville for participation in Adopt A School Program. by \*Wheeler.**

Introduced; placed on supplemental consent calendar.

**House Resolution No. 0226 -- Memorials, Recognition -- Honors Clayton Homes for participation in Adopt A School Program. by \*Wheeler.**

Introduced; placed on supplemental consent calendar.

**House Resolution No. 0227 -- Memorials, Recognition -- Honors Halls Cinema 7 for participation in Adopt A School Program. by \*Wheeler.**

Introduced; placed on supplemental consent calendar.

**House Resolution No. 0228 -- Memorials, Recognition -- Honors Mr. Gattis Pizza of Halls for participation in Adopt A School Program. by \*Wheeler.**

Introduced; placed on supplemental consent calendar.

**House Resolution No. 0229 -- Memorials, Recognition -- Honors Durham Knitting for participation in Adopt A School Program. by \*Wheeler.**

Introduced; placed on supplemental consent calendar.

**House Resolution No. 0230 -- Memorials, Recognition -- Honors Roddy Coca Cola for participation in Adopt A School Program. by \*Wheeler.**

Introduced; placed on supplemental consent calendar.

**House Resolution No. 0231 -- Memorials, Recognition -- Honors Charles Harmon Heating and Air for participation in Adopt A School Program. by \*Wheeler.**

Introduced; placed on supplemental consent calendar.

**House Resolution No. 0232 -- Memorials, Recognition -- Honors Awnings Unlimited for participation in Adopt A School program. by \*Wheeler.**

Introduced; placed on supplemental consent calendar.

**House Resolution No. 0233 -- Memorials, Recognition -- Honors Hillbilly Video for participation in Adopt A School Program. by \*Wheeler.**

Introduced; placed on supplemental consent calendar.

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**House Resolution No. 0235 -- Memorials, Recognition -- Honors E.O. Coffman School for contributions in preserving environment. by \*Moore C.**

Introduced; placed on supplemental consent calendar.

**House Resolution No. 0236 -- Memorials, Retirement -- Honors Dr. N. W. Robinson. by \*Herron, \*Callicott, \*Naifeh, \*Davis Ray, \*Crain, \*Ridgeway, \*Pinion, \*Collier, \*Stallings, \*Holt, \*Kisber, McDaniel, Sipes, Wolfe.**

Introduced; placed on supplemental consent calendar.

**House Resolution No. 0237 -- Memorials, Recognition -- Honors Connie Phelps for her contributions to the General Assembly. by \*Turner C, \*Shirley, \*Herron.**

Introduced; placed on supplemental consent calendar.

**Senate Joint Resolution No. 0642 -- Memorials, Recognition -- Honors Elder John R. Lasater, member of First Quorum of the Seventy.**

Introduced; placed on supplemental consent calendar.

**Senate Joint Resolution No. 0643 -- Memorials, Retirement -- Honors John H. Cox.**

Introduced; placed on supplemental consent calendar.

**Senate Joint Resolution No. 0644 -- Memorials, Public Service -- Honors Baker-Peters Task Force Members.**

Introduced; placed on supplemental consent calendar.

**Senate Joint Resolution No. 0645 -- Memorials, Professional Achievement -- Honors Tom Schulman, Academy Award winner.**

Introduced; placed on supplemental consent calendar.

**Senate Joint Resolution No. 0646 -- Memorials, Sports -- Honors Minnie Minofo for baseball career.**

Introduced; placed on supplemental consent calendar.

**Senate Joint Resolution No. 0648 -- Memorials, Recognition -- Thanks Memphians for Legislators Weekend.**

Introduced; placed on supplemental consent calendar.

**Senate Joint Resolution No. 0649 -- Memorials, Recognition -- Honors 28th Annual Yom Hashoah Program in Memphis.**

Introduced; placed on supplemental consent calendar.

**Senate Joint Resolution No. 0650 -- Memorials, Personal Occasion**

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-- Honors Mr. and Mrs. Andrew Gene Wilde on 50th anniversary.

Introduced; placed on supplemental consent calendar.

**Senate Joint Resolution No. 0651** -- Memorials, Condolence -- Honors memory of Richard S. Borys.

Introduced; placed on supplemental consent calendar.

**House Joint Resolution No. 0936** -- Memorials, Public Service -- Commends Lou Philpot for her service as circuit court clerk in Haywood County. by \*Crain.

Introduced; placed on supplemental consent calendar.

Rep. Naifeh moved that all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed.

A motion to reconsider was tabled.

**MOTION**

Rep. Naifeh moved to take up the supplemental resolutions calendar as the next order of business, which motion prevailed.

**MOTION**

Rep. Chiles moved to suspend Rule No. 59 to take up Senate messages immediately after the supplemental resolutions calendar, which motion prevailed.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2724; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

\*Senate Bill No. 2724 -- Housing -- Clarifies definition of "multi-family residential units" for projects of certain housing facilities. Amends TCA, Title 48, Ch. 3, Pt. 3.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate

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Joint Resolution(s) No(s). 635; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0635 -- Memorials, Interns -- Honors**  
Timkia Yolanda Baker, 1990 legislative intern.

**SUPPLEMENTAL RESOLUTIONS CALENDAR**

**\*House Resolution No. 0191 -- General Assembly, Statement of Intent or Position -- Supports consolidation of Metro General Hospital with Meharry Hubbard Hospital. by \*Dixon.**

On motion of Rep. Dixon, **House Resolution No. 191** was withdrawn from the House.

**\*House Resolution No. 0192 -- General Assembly, Statement of Intent or Position -- Expresses need for greater cultural awareness by public officials and employees delivering services to black children. by \*Dixon.**

On motion of Rep. Dixon, **House Resolution No. 192** was withdrawn from the House.

**\*House Resolution No. 0193 -- Memorials, Government Officials -- Directs study of disproportionate commitment of blacks to mental health institutions. by \*Dixon.**

On motion of Rep. Dixon, **House Resolution No. 193** was withdrawn from the House.

**\*House Resolution No. 0194 -- General Assembly, Statement of Intent or Position -- Expresses need for more African Americans in policy formulation levels of health care industry. by \*Dixon.**

On motion of Rep. Dixon, **House Resolution No. 194** was withdrawn from the House.

**\*House Resolution No. 0195 -- Memorials, Government Officials -- Directs submission of report on policies and practices affecting certain personnel engaged in delivery of social services. by \*Dixon.**

On motion of Rep. Dixon, **House Resolution No. 195** was withdrawn from the House.

**\*House Resolution No. 0196 -- Memorials, Government Officials -- Directs creation of task force to establish early childhood**

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education programs for at-risk children. by \*Dixon.

On motion of Rep. Dixon, **House Resolution No. 196** was withdrawn from the House.

**\*House Resolution No. 0197** -- General Assembly, Statement of Intent or Position -- Supports commitment to raise AFDC cash grants to reasonable level. by \*Dixon.

On motion of Rep. Dixon, **House Resolution No. 197** was withdrawn from the House.

**\*House Resolution No. 0198** -- Memorials, Government Officials -- Supports and encourages efforts to recruit and expand music, film and entertainment investments.

Rep. Dixon moved that **House Resolution No. 198** be adopted, which motion prevailed.

A motion to reconsider was tabled.

**\*House Resolution No. 0199** -- General Assembly, Studies -- Directs Select Joint Committee on Education to study feasibility of raising age for mandatory school attendance.

On motion of Rep. Dixon, **House Resolution No. 199** was withdrawn from the House.

**\*House Resolution No. 0200** -- Memorials, Government Officials -- Directs utilization of more black owned firms when contracting for advertising, publishing and marketing services.

On motion of Rep. Dixon, **House Resolution No. 200** was withdrawn from the House.

**\*House Resolution No. 0201** -- Memorials, Government Officials -- Commends Memphis Job Skills Council; calls for better coordination of job training resources as inducement for industrial recruitment and expansion.

On motion of Rep. Dixon, **House Resolution No. 201** was withdrawn from the House.

**\*House Resolution No. 0202** -- General Assembly, Statement of Intent or Position -- Expresses commitment regarding shortage of public school teachers.

Rep. Dixon moved that **House Resolution No. 202** be adopted, which motion prevailed.



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A motion to reconsider was tabled.

**\*House Resolution No. 0203 -- Memorials, Government Officials -- Requests governor to create task force on disadvantaged black males.**

On motion of Rep. Dixon, **House Resolution No. 203** was withdrawn from the House.

**\*House Resolution No. 0204 -- General Assembly, Studies -- Directs examination of disclosure of juvenile justice records and negative impact on employment opportunities of reformed youth.**

On motion of Rep. Dixon, **House Resolution No. 204** was withdrawn from the House.

**\*House Resolution No. 0214 -- Memorials, Government Officials -- Urges Department of Education to study TSSAA. by \*Davis Ray, \*Hobbs, \*Jackson.**

Rep. Davis (Gibson) moved that House Resolution No. 214 be adopted.

Rep. Rhinehart moved to re-refer House Resolution No. 214 to the Calendar and Rules Committee.

Rep. Davis (Gibson) moved to tabled the motion to re-refer, which motion failed by the following vote:

Ayes. . . . .	24
Noes. . . . .	58
Present and not voting. . . . .	4

Representatives voting aye were: Bittle, Byrd, Crain, Cross, Curlee, Davis (Gibson), Hassell, Herron, Hillis, Hobbs, Holt, Huskey, Jackson, Moore (Shelby), Naifeh, Niceley, Scruggs, Severance, Shirley, Stallings, Turner, L. (Shelby), Ussery, Wheeler, Yelton -- 24.

Representatives voting no were: Anderson, Armstrong, Austin, Bell, Bivens, Bragg, Buck, Burnett, Cain, Callicott, Chiles, Clark, Coffey, Cole, Copeland, Davidson, DeBerry, DePriest, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Haun, Head, Henry (Roane), Hubbard, Jones, R. (Shelby), Kent, Kisber, McAfee, McDaniel, Moody, Napier, Nuber, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Sipes, Stamps, Starnes, Turner (Hamilton), Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 58.

Representatives present and not voting were: Henry (Putnam), Moore (Lawrence), Pinion, Turner, C. (Shelby) -- 4.

Rep. Rhinehart renewed the motion to re-refer **House Resolution**

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No. 214 to the Calendar and Rules Committee, which motion prevailed.

**\*House Resolution No. 0218 -- Memorials, Recognition -- Commends Women's Demonstration Project of Nashville; directs state agencies to provide assistance and encouragement.**

On motion of Rep. Dixon, House Resolution No. 218 was withdrawn from the House.

**\*House Resolution No. 0219 -- General Assembly, Statement of Intent or Position -- Supports more and better vocational training programs for at risk students and students of impoverished backgrounds.**

Rep. Dixon moved that House Resolution No. 219 be adopted, which motion prevailed.

A motion to reconsider was tabled.

**\*House Resolution No. 0220 -- Naming and Designating -- Proclaims April 1990, as Africa in April Month; commends Africa in April Cultural Awareness Committee, Inc.**

Rep. Dixon moved that House Resolution No. 220 be adopted, which motion prevailed.

A motion to reconsider was tabled.

**House Joint Resolution No. 0708 -- Naming and Designating -- Designates November 13 as Family Community Leadership Day.**

Rep. Hobbs moved that House Joint Resolution No. 708 be adopted, which motion prevailed.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0727 -- Memorials, Government Officials -- Directs submission of report on policies and practices affecting certain personnel engaged in delivery of social services.**

Rep. Armstrong moved that House Joint Resolution No. 727 be adopted, which motion prevailed.

A motion to reconsider was tabled.

**House Joint Resolution No. 0838 -- Naming and Designating -- Declares June 18, 1990 as "Family Day".**

Rep. Herron moved that House Joint Resolution No. 838 be

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adopted, which motion prevailed.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0886 -- Highway Signs -- Provides for directional signs to Goodlark Medical Center.**

Rep. Jackson moved that **House Joint Resolution No. 886** be adopted, which motion prevailed.

A motion to reconsider was tabled.

**House Joint Resolution No. 0906 -- Highway Signs -- Designates certain portion of US Highway 99 East, Bradyville Pike as "E. A. Bowman Highway".**

Rep. Bragg moved that **House Joint Resolution No. 906** be adopted, which motion prevailed.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0922 -- Memorials, Government Officials -- Urges Department of Education to study TSSAA.**

On motion of Rep. Davis (Gibson), **House Joint Resolution No. 922** was withdrawn from the House.

**\*Senate Joint Resolution No. 0423 -- General Assembly, Studies -- Creates special joint committee for utilization of ancillary health care.**

Rep. Starnes moved that **Senate Joint Resolution No. 423** be concurred in, which motion prevailed.

A motion to reconsider was tabled.

**Senate Joint Resolution No. 0484 -- State Symbols -- Recognizes Aquarium in Chattanooga as official state aquarium.**

Rep. Starnes moved that **Senate Joint Resolution No. 484** be concurred in, which motion prevailed.

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 0505 -- Memorials, Government Officials -- Requests information systems council to conduct study concerning protection of rights of citizens.**

Rep. Love moved that **Senate Joint Resolution No. 505** be

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concurring in, which motion prevailed.

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 0575 -- Highway Signs -- Designates certain portion of US Highway 22 as "General Clifton B. Cates Memorial Highway".**

Rep. Holt moved that **Senate Joint Resolution No. 575** be concurring in, which motion prevailed.

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 0576 -- Highway Signs -- Designates portion of U.S. Highway 78 as "Carl Perkins Parkway".**

Rep. Holt moved that **Senate Joint Resolution No. 576** be concurring in, which motion prevailed.

A motion to reconsider was tabled.

**Senate Joint Resolution No. 0617 -- Naming and Designating -- Designates May 5-12 as Dr. Harry Guffey Week in Williamson County.**

Rep. Hobbs moved that **Senate Joint Resolution No. 617** be concurring in, which motion prevailed.

A motion to reconsider was tabled.

**House Resolution No. 0223 -- General Assembly, Studies -- Establishes special committee to study agricultural ethanol production. by \*Stallings.**

Rep. Stallings moved that **House Resolution No. 223** be adopted, which motion prevailed.

A motion to reconsider was tabled.

**House Resolution No. 0234 -- General Assembly, Studies -- Authorizes study of wetlands.**

On motion of Rep. Hillis, **House Resolution No. 234** was withdrawn from the House.

**\*Senate Joint Resolution No. 0264 -- General Assembly, Studies -- Establishes a task force to evaluate state's black history and cultural education.**

Rep. Kisber moved that **Senate Joint Resolution No. 264** be

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concurrred in, which motion prevailed.

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 0443 -- General Assembly, Studies --** Creates study committee to investigate establishment of capital fund for arts.

Rep. Kisber moved that **Senate Joint Resolution No. 443** be concurrred in, which motion prevailed, with Rep. Bragg voting no on the resolution.

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 0560 -- Memorials, Congress --** Urges revision of Juvenile Justice and Delinquency Prevention Act relative to detention of runaways from other states.

Rep. Hubbard moved that **Senate Joint Resolution No. 560** be concurrred in, which motion prevailed, with Rep. Bragg voting no on the resolution.

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 0591 -- General Assembly, Studies --** Urges Board of Regents to conduct feasibility study on development of two mini campuses to combine services of Shelby State and State Technical in Memphis.

Rep. L. Turner (Shelby) moved that **Senate Joint Resolution No. 591** be concurrred in, which motion prevailed.

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 0604 -- Highway Signs --** Designates certain portion of U.S. Highway 149 as "Dr. Joe Morgan Memorial Highway".

Rep. Ussery moved that **Senate Joint Resolution No. 604** be concurrred in, which motion prevailed.

A motion to reconsider was tabled.

**Senate Joint Resolution No. 0635 -- Memorials, Interns --** Honors Timkia Yolanda Baker, 1990 legislative intern.

Rep. L. Turner (Shelby) moved that **Senate Joint Resolution No. 635** be concurrred in, which motion prevailed.

A motion to reconsider was tabled.

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**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2505 -- Education -- Broadens Drug Abuse Resistance Education Act of 1989. Amends TCA, Title 49, Ch. 2, Pt. 1.**

**Senate Amendment No. 2**

Amend House Bill No. 2505 by deleting section 3 of the bill as amended by the house amendment number one.

Rep. Armstrong moved that the House nonconcur in Senate Amendment(s) No(s). 2 to House Bill No. 2505, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1969 -- Eminent Domain -- Authorizes cities and counties to take certain blighted and deteriorated property by eminent domain for certain purposes in certain circumstances.**

**Senate Amendment No. 3**

Amend House Bill No. 1969 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a metropolitan form of government with a population of not less than 450,000 nor more than 500,000 according to the 1980 federal census or any subsequent federal census.

Rep. Davis (Knox) moved that the House nonconcur in Senate Amendment(s) No(s). 3 to House Bill No. 1969, which motion prevailed.

**RULES SUSPENDED**

Rep. Dixon moved to recall House Bill No. 2695 from the Calendar and Rules Committee for immediate consideration, which motion prevailed.

**House Bill No. 2695 -- Housing -- Clarifies definition of "multi-family residential units" for projects of certain housing facilities. Amends TCA, Title 48, Ch. 3, Pt. 3.**

On motion, House Bill No. 2695 was made to conform with Senate Bill No. 2724.

On motion, Senate Bill No. 2724, on same subject, was substituted

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for House Bill No. 2695.

Rep. Dixon moved that Senate Bill No. 2724 be passed on third and final consideration.

Rep. Dixon moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 2724 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall only apply in counties having a population in excess of 700,000 according to the 1980 federal census or any subsequent federal census.

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Dixon moved that Senate Bill No. 2724, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

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**MESSAGE FROM THE SENATE  
April 12, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Bill No. 2119.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 2, 3 and 4.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 2119 -- Health --** Creates within legislative branch black health care commission. Amends TCA, Titles 3, 33, 68, 71.

Rep. Armstrong moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 2, 3 and 4 to House Bill No. 2119, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 2119**

Pursuant to Rule No. 73, Representative Armstrong moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 2119, which motion prevailed.

The Speaker appointed Representatives Rhinehart, Armstrong and Webb as the House members of the Conference Committee on House Bill No. 2119.

**MESSAGE FROM THE SENATE  
April 12, 1990**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 647; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**Senate Joint Resolution No. 0647 -- Memorials, Recognition --**  
Bids Jim O'Hara a fond farewell.

**RULES SUSPENDED**

Rep. Burnett moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 647 out of order, which motion prevailed.



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Senate Joint Resolution No. 0647 -- Memorials, Recognition --  
Bids Jim O'Hara a fond farewell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Burnett, the resolution was concurred in by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1886; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2392.

The Senate receded from its action in nonconcurring in House Amendment(s) No(s). 1 and 2 and acted to concur in House Amendment(s) No(s). 1, 2 and 3, and concurred in House Amendment(s) No(s). 1, 2 and 3.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

THURSDAY, APRIL 12, 1990 -- NINETIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill No. 1969.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 3, withdrew Amendment No. 3, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1886 -- Dentists -- Upgrades occupational regulatory status of dental hygienists; revises powers of board. Amends TCA, Title 63, Ch. 5.

Senate Amendment No. 1

Amend House Bill No. 1886 by deleting the amendatory language in Section 17, "not to exceed one hundred dollars (\$100)"

Rep. Davidson moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1886, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harriell, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives voting no were: Scruggs, Severance, Wolfe -- 3.

A motion to reconsider was tabled.

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MESSAGE FROM THE SENATE  
April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill No. 2505.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 3, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2505 -- Education -- Broadens Drug Abuse Resistance Education Act of 1989. Amends TCA, Title 49, Ch. 2, Pt. 1.

Senate Amendment No. 3

Amend House Bill No. 2505 by deleting from Section 2(c)(1) the following language: ", or Tennessee Code Annotated, Title 37, Chapter 17, Part 4".

Rep. Armstrong moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 2505, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

**THURSDAY, APRIL 12, 1990 -- NINETIETH LEGISLATIVE DAY**

**SELECT COMMITTEE APPOINTMENTS**

The Speaker announced that he had appointed the following committee to notify the Senate that the House has completed its business for this session and is ready to adjourn, sine die: Representatives Chiles, Chairman, K. Williams, Naifeh, Curlee and Givens.

The Speaker announced that he had appointed the following committee to notify the Governor that the House has completed its business for this session and is ready to adjourn, sine die: Representatives Webb, Chairman, Scruggs, Yelton and B. Turner.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Bill No. 1556.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 2.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 1556 -- State Officials --** Provides for suspension from office of certain state officials for certain offenses. Amends TCA, Titles 8, 39.

Rep. Naifeh moved that **House Bill No. 1556** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**MOTION**

Rep. Hobbs directed the Clerk to request the return of House Bill No. 206 from the Senate Desk.

**BILLS WITHDRAWN**

On motion of Rep. Hobbs, House Bill No. 396 was recalled from the State and Local Government Committee.

On motion of Rep. Hobbs, **House Bill No. 396** was withdrawn from the House.

On motion of Rep. Hobbs, House Bill No. 1093 was recalled from the State and Local Government Committee.

On motion of Rep. Hobbs, **House Bill No. 1093** was withdrawn from the House.

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On motion of Rep. Davis (Gibson), House Bill No. 1266 was recalled from the Conservation and Environment Committee.

On motion of Rep. Davis (Gibson), House Bill No. 1266 was withdrawn from the House.

On motion of Rep. Crain, House Bill No. 1705 was recalled from the Transportation Committee.

On motion of Rep. Crain, House Bill No. 1705 was withdrawn from the House.

On motion of Rep. Crain, House Bill No. 1773 was recalled from the Judiciary Committee.

On motion of Rep. Crain, House Bill No. 1773 was withdrawn from the House.

On motion of Rep. Crain, House Bill No. 1774 was recalled from the Finance, Ways and Means Committee.

On motion of Rep. Crain, House Bill No. 1774 was withdrawn from the House.

On motion of Rep. Crain, House Bill No. 1776 was recalled from the Transportation Committee.

On motion of Rep. Crain, House Bill No. 1776 was withdrawn from the House.

On motion of Rep. Crain, House Bill No. 1795 was recalled from the State and Local Government Committee.

On motion of Rep. Crain, House Bill No. 1795 was withdrawn from the House.

On motion of Rep. Crain, House Bill No. 1804 was recalled from the Transportation Committee.

On motion of Rep. Crain, House Bill No. 1804 was withdrawn from the House.

On motion of Rep. Hobbs, House Bill No. 1833 was recalled from the State and Local Government Committee.

On motion of Rep. Hobbs, House Bill No. 1833 was withdrawn from the House.

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On motion of Rep. Hobbs, House Bill No. 1834 was recalled from the Finance, Ways and Means Committee.

On motion of Rep. Hobbs, House Bill No. 1834 was withdrawn from the House.

On motion of Rep. Crain, House Bill No. 2029 was recalled from the Conservation and Environment Committee.

On motion of Rep. Crain, House Bill No. 2029 was withdrawn from the House.

On motion of Rep. Crain, House Bill No. 2211 was recalled from the Conservation and Environment Committee.

On motion of Rep. Crain, House Bill No. 2211 was withdrawn from the House.

On motion of Rep. Crain, House Bill No. 2474 was recalled from the Finance, Ways and Means Committee.

On motion of Rep. Crain, House Bill No. 2474 was withdrawn from the House.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 171: Rep(s). Turner (Hamilton) added as prime sponsor(s).

House Joint Resolution No. 886: Rep(s). Jackson added as prime sponsor(s).

House Bill No. 1394: Rep(s). Love added as prime sponsor(s).

House Bill No. 1554: Rep(s). Burchfield added as prime sponsor(s).

House Bill No. 1582: Rep(s). Gaia and L. Turner (Shelby) added as prime sponsor(s).

House Bill No. 1683: Rep(s). Kernell added as prime sponsor(s).

House Bill No. 1784: Rep(s). Hobbs added as prime sponsor(s).

House Bill No. 1796: Rep(s). Love added as prime sponsor(s).

House Bill No. 1801: Rep(s). DeBerry added as prime sponsor(s).

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**House Bill No. 1845:** Rep(s). U. Jones (Shelby) and Kernell added as prime sponsor(s).

**House Bill No. 1987:** Rep(s). Herron added as prime sponsor(s).

**House Bill No. 2023:** Rep(s). Love added as prime sponsor(s).

**House Bill No. 2024:** Rep(s). Love added as prime sponsor(s).

**House Bill No. 2031:** Rep(s). Love added as prime sponsor(s).

**House Bill No. 2119:** Rep(s). Kernell added as prime sponsor(s).

**House Bill No. 2145:** Rep(s). Hobbs added as prime sponsor(s).

**House Bill No. 2215:** Rep(s). Love added as prime sponsor(s).

**House Bill No. 2248:** Rep(s). Turner (Hamilton) added as prime sponsor(s).

**House Bill No. 2258:** Rep(s). Love added as prime sponsor(s).

**House Bill No. 2397:** Rep(s). Sipes added as prime sponsor(s).

**House Bill No. 2505:** Rep(s). Burchfield added as prime sponsor(s).

**House Bill No. 2658:** Rep(s). Herron added as prime sponsor(s).

**REQUESTS TO BE ADDED AS SPONSORS**

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage of said bill.

**House Bill No. 1987:** Rep(s). Hobbs, Dixon, C. Moore, Pinion, Jackson and Gunnels as prime sponsor(s).

**REPORT FILED**

Pursuant to TCA 49-7-901 and the Baccalaureate Education Savings for Tennessee Act, the Tennessee State School Bond Authority filed its report on the sale of college savings bonds. A copy is on file in the Clerk's office.

**JOINT COMMITTEE REPORT FILED**

The Clerk announced that the Joint Study Committee on Certification of Shorthand Reporters, pursuant to House Joint Resolution No. 334 of 1989, has completed its work and submitted its final report, which is on file in the Clerk's office.

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**JOINT COMMITTEE REPORT FILED**

The Clerk announced that the Joint Study Committee on Asbestos and the Handling, Installation, Abatement and Removal Thereof, pursuant to House Joint Resolution No. 316 of 1989, has completed its work and submitted its final report, which is on file in the Clerk's office.

**REPORT FILED**

The Reelfoot Lake Task Force and the Tennessee Wildlife Resources Agency have filed their Fifty-Year Management Plan with the Clerk's office.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill No. 206, as requested.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**BILL WITHDRAWN**

On motion of Rep. Hobbs, House Bill No. 206 was withdrawn from the House.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1754, 1870, 2380 and 2658; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

**April 12, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2560; also, House Joint Resolution(s) No(s). 708, 838, 906 and 936; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.



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**ENGROSSED BILLS**

**April 12, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1570, 1572, 2063 and 2505; also, House Joint Resolution(s) No(s). 689, 729 and 735; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 689, 708, 838, 906, 927 and 936; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

**April 12, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2252, 2258, 2363 and 2536; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 12, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1554, 1582 and 2393; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2119.

The Senate lifted the tabling motion; reconsidered passage of

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the bill; reconsidered adoption of Amendment(s) No(s). 2 and withdrew Amendment(s) No(s). 2; reconsidered adoption of Amendment(s) No(s). 3 and withdrew Amendment(s) No(s). 3; reconsidered adoption of Amendment(s) No(s). 4 and withdrew Amendment(s) No(s). 4; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1753, 1831, 1873, 1877, 1880, 1993, 2039, 2628, 2631, 2688 and 2689; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE GOVERNOR**  
**April 12, 1990**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 695, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE SENATE**  
**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 360, 522, 638 and 724; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2031; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 686, 726, 731, 732, 734, 736, 757, 759, 770, 785, 786, 787, 788, 811, 928, 929, 930, 931, 932, 933, 934 and 935; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 561, 648, 653, 778, 795, 853, 901, 902, 903, 904, 905, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 921, 923, 924, 925 and 926; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1582, 2204, 2252, 2560 and 2671; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 12, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1711, 1874, 2007, 2038, 2258, 2363, 2383, and 2536; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

ENGROSSED BILLS

April 12, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2361 and 2685;

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and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**April 12, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2680; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 329, 729 and 735; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 12, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1554, 1570, 1968, 1987, 2063, 2215, 2360, 2361, 2370, 2393, 2598, 2680, 2685 and 2687; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**  
**April 12, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 727 and 886; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

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**REPORTS OF SELECT COMMITTEES**

Rep. Chiles advised the House that the Senate has been notified that the House has completed its business for this session and is ready to adjourn, sine die.

Rep. Webb advised the House that the Governor has been notified that the House has completed its business for this session and is ready to adjourn, sine die; the Governor stated that he had no further communications to transmit to the House.

**SENATE REPORTED READY TO ADJOURN**

Senator Crutchfield, Chairman, and Senators Greer and Womack notified the House that the Senate had completed its business for this session and was ready to adjourn sine die.

**MESSAGE FROM THE SENATE**

**April 12, 1990**

MR. SPEAKER: I am directed by the Senate to notify the House that the Senate has completed its business and was ready to adjourn sine die in accordance with House Joint Resolution No. 920.

**CLYDE W. McCULLOUGH, JR.**  
Chief Clerk.

**JOURNAL APPROVED**

On motion of Rep. Naifeh, the Journal of the House of Representatives and the proceedings thereof were approved from the Fifty-second through the Ninetieth Legislative Day of the Second Regular Session.

**SINE DIE ADJOURNMENT**

Thereupon, in accordance with House Joint Resolution No. 920, Mr. Speaker Murray declared the House of Representatives of the Ninety-Sixth General Assembly adjourned, sine die.

**Ed Murray, Speaker,**  
House of Representatives.

**ATTEST:**

**LARRY COLE, Chief Clerk,**  
House of Representatives.

THURSDAY, APRIL 12, 1990 -- NINETIETH LEGISLATIVE DAY

**BILLS AND RESOLUTIONS ENROLLED, SIGNED AND TRANSMITTED  
TO THE GOVERNOR SUBSEQUENT TO ADJOURNMENT**

Appendix of House Bills and Resolutions presented to the Speaker of the House of Representatives and the Speaker of the Senate for their signatures; and appendix of House Bills and House Joint Resolutions presented to the Governor, with his action, as recorded in the Office of the Secretary of State.

**MESSAGE FROM THE GOVERNOR  
April 12, 1990**

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 761, 762, 763, 764, 769, 772, 773, 774, 775, 776, 777, 780, 781, 782, 789, 790, 791, 792, 793, 794, 796, 798, 799, 800, 801, 802, 803, 805, 806, 807, 808, 809, 810, 816, 823, 824, 825, 826, 827, 834, 839 and 842, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR  
April 16, 1990**

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: House Bill(s) No(s). 1291, 1806, 1850, 2041, 2084, 2436, 2510, 2515, 2645, 2649, 2659, 2660, 2664 and 2668; also, House Joint Resolution(s) No(s). 527, 620, 678, 681, 758 and 760; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**ENROLLED BILLS  
April 16, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 329, 360, 511, 522, 533, 561, 608, 617, 618, 625, 638, 642, 648, 653, 654, 665, 685, 686, 689, 708, 724, 726, 729, 731, 732, 734, 735, 736, 743, 744, 757, 759, 766, 770, 771, 778, 783, 785, 786, 787, 788, 795, 804, 811, 813, 814, 815, 817, 818, 819, 820, 821, 822, 828, 829, 830, 831, 832, 833, 835, 836, 837, 838, 840, 841, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935 and 936; also, House Resolution(s) No(s). 97, 99, 135, 171, 190, 198, 202,

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205, 206, 207, 208, 209, 210, 211, 212, 213, 215, 216, 217, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 235, 236 and 237; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENROLLED BILLS**  
**April 16, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills(s) No(s). 120, 399, 1554, 1570, 1582, 1607, 1711, 1714, 1727, 1746, 1750, 1753, 1754, 1758, 1831, 1832, 1862, 1864, 1870, 1873, 1874, 1877, 1880, 1901, 1968, 1987, 1993, 1999, 2007, 2038, 2039, 2063, 2135, 2187, 2204, 2215, 2226, 2252, 2258, 2282, 2340, 2357, 2360, 2361, 2363, 2364, 2368, 2370, 2375, 2380, 2383, 2387, 2393, 2536, 2558, 2560, 2591, 2595, 2598, 2606, 2614, 2627, 2628, 2631, 2651, 2655, 2658, 2667, 2671, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2684, 2685, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694 and 2696; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 16, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 43, 650, 1254, 1357, 1589, 1630, 1651, 1723, 1768, 1861, 1902, 1917, 1923, 1942, 2034, 2073, 2107, 2115, 2190, 2213, 2260, 2331, 2367, 2389, 2391, 2423, 2457, 2502, 2624, 2626, 2653, 2678, 2685, 2692 and 2700; also, Senate Joint Resolution(s) No(s). 421, 440, 452, 466, 492, 525, 564, 584, 589, 592, 593, 594, 596, 597, 598, 599, 600, 601, 602, 606, 607, 608, 610, 612, 613, 614, 615, 616, 618, 619, 620, 621, 622, 623, 625, 626, 627, 628, 629, 630, 632, 633, 634, 636, 637, 638, 639 and 640; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**  
**April 17, 1990**

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 329, 360, 511, 522, 533, 561, 608, 617, 618, 625, 638, 642, 648, 653, 654, 665, 685, 686, 689, 708, 724, 726, 729, 731, 732, 734, 735, 736, 743, 744, 757, 759, 766, 770, 771, 778, 783, 785, 786, 787, 788, 795, 804, 811, 813, 814, 815, 817, 818, 819, 820, 821, 822, 828, 829, 830, 831, 832, 833, 835,

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836, 837, 838, 840, 841, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935 and 936; also, House Resolution(s) No(s). 97, 99, 135, 171, 190, 198, 202, 205, 206, 207, 208, 209, 210, 211, 212, 213, 215, 216, 217, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 235, 236 and 237.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 17, 1990**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 923; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**April 17, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 923; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**  
**April 17, 1990**

The Speaker announced that he had signed the following: House Bill(s) No(s). 120, 399, 1554, 1570, 1582, 1607, 1711, 1714, 1727, 1746, 1750, 1753, 1754, 1758, 1831, 1832, 1862, 1864, 1870, 1873, 1874, 1877, 1880, 1901, 1968, 1987, 1993, 1999, 2007, 2038, 2039, 2063, 2135, 2187, 2204, 2215, 2226, 2252, 2258, 2282, 2340, 2357, 2360, 2361, 2363, 2364, 2368, 2370, 2375, 2380, 2383, 2387, 2393, 2536, 2558, 2560, 2591, 2595, 2598, 2606, 2614, 2627, 2628, 2631, 2651, 2655, 2658, 2667, 2671, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2684, 2685, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694 and 2696.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.



THURSDAY, APRIL 12, 1990 -- NINETIETH LEGISLATIVE DAY

SIGNED  
April 17, 1990

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 43, 650, 1254, 1357, 1589, 1630, 1651, 1723, 1768, 1861, 1902, 1917, 1923, 1942, 2034, 2073, 2107, 2115, 2190, 2213, 2260, 2331, 2367, 2389, 2391, 2423, 2457, 2502, 2624, 2626, 2653, 2678, 2685, 2692 and 2700; also, Senate Joint Resolution(s) No(s). 421, 440, 452, 466, 492, 525, 564, 584, 589, 592, 593, 594, 596, 597, 598, 599, 600, 601, 602, 606, 607, 608, 610, 612, 613, 614, 615, 616, 618, 619, 620, 621, 622, 623, 625, 626, 627, 628, 629, 630, 632, 633, 634, 636, 637, 638, 639 and 640.

MESSAGE FROM THE GOVERNOR  
April 17, 1990

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 923, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

MESSAGE FROM THE SENATE  
April 19, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 329, 360, 511, 522, 533, 561, 608, 617, 618, 625, 638, 642, 648, 653, 654, 665, 685, 686, 689, 708, 724, 726, 729, 731, 732, 734, 735, 736, 743, 744, 757, 759, 766, 770, 771, 778, 783, 785, 786, 787, 788, 795, 804, 811, 813, 814, 815, 817, 818, 819, 820, 821, 822, 828, 829, 830, 831, 832, 833, 835, 836, 837, 838, 840, 841, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935 and 936; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 19, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 120, 399, 1554, 1570, 1582, 1607, 1711, 1714, 1727, 1746, 1750, 1753, 1754, 1758, 1831, 1832, 1862, 1864, 1870, 1873, 1874, 1877, 1880, 1901, 1968, 1987, 1993, 1999, 2007, 2038, 2039, 2063, 2135, 2187, 2204, 2215, 2226, 2252, 2258, 2282, 2340, 2357, 2360, 2361, 2363, 2364, 2368, 2370, 2375, 2380, 2383, 2387, 2393,

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2536, 2558, 2560, 2591, 2595, 2598, 2606, 2614, 2627, 2628, 2631, 2651, 2655, 2658, 2667, 2671, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2684, 2685, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694 and 2696; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 19, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 398, 583, 1087, 1245, 1424, 1617, 1641, 1642, 1655, 1659, 1738, 1774, 1782, 1804, 1870, 1882, 1907, 1909, 1963, 2031, 2032, 2075, 2081, 2109, 2158, 2231, 2265, 2359, 2444, 2465, 2491, 2513, 2515, 2538, 2540, 2594, 2697, 2710 and 2724; also, Senate Joint Resolution(s) No(s). 264, 423, 443, 448, 484, 505, 552, 560, 575, 576, 591, 604, 617, 635, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650 and 651; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**  
**April 19, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 74, 196, 705, 1619, 1648, 1701, 1703, 1777, 1790, 1800, 1848, 1868, 1871, 1882, 1886, 1887, 1920, 1969, 2031, 2037, 2092, 2107, 2119, 2166, 2178, 2219, 2302, 2308, 2310, 2329, 2342, 2347, 2358, 2452, 2507, 2519, 2533, 2545, 2546, 2587 and 2646; also, House Joint Resolution(s) No(s). 583 and 588; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**April 19, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s) 120, 399, 1554, 1570, 1582, 1607, 1711, 1714, 1727, 1746, 1750, 1753, 1754, 1758, 1831, 1832, 1862, 1864, 1870, 1873, 1874, 1877, 1880, 1901, 1968, 1987, 1993, 1999, 2007, 2038, 2039, 2063, 2135, 2187, 2204, 2215, 2226, 2252, 2258, 2282, 2340, 2357, 2360, 2361, 2363, 2364, 2368, 2370, 2375, 2380, 2383, 2387, 2393, 2536, 2558, 2560, 2591, 2595, 2598, 2606, 2614, 2627, 2628, 2631, 2651, 2655, 2658, 2667, 2671, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2684, 2685, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694 and

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2696; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK  
April 19, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 329, 360, 511, 522, 533, 561, 608, 617, 618, 625, 638, 642, 648, 653, 654, 665, 685, 686, 689, 708, 724, 726, 729, 731, 732, 734, 735, 736, 743, 744, 757, 759, 766, 770, 771, 778, 783, 785, 786, 787, 788, 795, 804, 811, 813, 814, 815, 817, 818, 819, 820, 821, 822, 828, 829, 830, 831, 832, 833, 835, 836, 837, 838, 840, 841, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935 and 936; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR  
April 23, 1990

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 329, 360, 511, 522, 533, 561, 608, 617, 618, 625, 638, 642, 648, 653, 654, 665, 685, 686, 689, 708, 724, 726, 729, 731, 734, 735, 736, 743, 744, 757, 759, 766, 770, 771, 778, 783, 785, 786, 787, 788, 795, 804, 811, 813, 814, 815, 817, 818, 819, 820, 821, 822, 828, 829, 830, 831, 832, 833, 835, 836, 838, 840, 841, 843, 844, 845, 846, 847 and 848, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR  
April 23, 1990

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 887, 888, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919,

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920, 921, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935 and 936, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**  
**April 23, 1990**

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 837, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**SIGNED**  
**April 25, 1990**

The Speaker announced that he had signed the following: House Bill(s) No(s). 74, 196, 705, 1619, 1648, 1701, 1703, 1777, 1790, 1800, 1848, 1868, 1871, 1882, 1886, 1887, 1920, 1969, 2031, 2037, 2092, 2107, 2119, 2166, 2178, 2219, 2302, 2308, 2310, 2329, 2342, 2347, 2358, 2452, 2507, 2519, 2533, 2545, 2546, 2587 and 2646; also, House Joint Resolution(s) No(s). 583 and 588.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**  
**April 25, 1990**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 398, 583, 1087, 1245, 1424, 1617, 1641, 1642, 1655, 1659, 1738, 1774, 1782, 1804, 1870, 1882, 1907, 1909, 1963, 2031, 2032, 2075, 2081, 2109, 2158, 2231, 2265, 2359, 2444, 2465, 2491, 2513, 2515, 2538, 2540, 2594, 2697, 2710 and 2724; also, Senate Joint Resolution(s) No(s). 264, 423, 443, 448, 484, 505, 552, 560, 575, 576, 591, 604, 617, 635, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650 and 651.

**MESSAGE FROM THE SENATE**  
**April 25, 1990**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 74, 196, 705, 1619, 1648, 1701, 1703, 1777, 1790, 1800, 1848, 1868, 1871, 1882, 1886, 1887, 1920, 1969, 2031, 2037, 2092, 2107, 2119, 2166, 2178, 2219, 2302, 2308, 2310, 2329, 2342, 2347, 2358, 2452, 2507, 2519, 2533, 2545, 2546, 2587 and 2646; also,

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House Joint Resolution(s) No(s). 583 and 588; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF CHIEF ENROSSING CLERK**  
**April 25, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 74, 196, 705, 1619, 1648, 1701, 1703, 1777, 1790, 1800, 1848, 1868, 1871, 1882, 1886, 1887, 1920, 1969, 2031, 2037, 2092, 2107, 2119, 2166, 2178, 2219, 2302, 2308, 2310, 2329, 2342, 2347, 2358, 2452, 2507, 2519, 2533, 2545, 2546, 2587 and 2646; and House Joint Resolution(s) No(s). 583 and 588; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**  
**April 25, 1990**

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: House Bill(s) No(s). 1874, 2667, 2671, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2684, 2685, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694 and 2696; also, House Joint Resolution(s) No(s). 732; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE SENATE**  
**April 26, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2392; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**  
**April 26, 1990**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 2392.

**MESSAGE FROM THE GOVERNOR**  
**April 30, 1990**

MR. SECRETARY OF STATE: I am directed by the Governor to return

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herewith: House Bill(s) No(s). 2342, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**  
**April 30, 1990**

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: House Bill(s) No(s). 120, 399, 1554, 1570, 1582, 1607, 1711, 1714, 1727, 1746, 1750, 1753, 1754, 1758, 1831, 1832, 1862, 1864, 1868, 1870, 1873, 1877, 1880, 1901, 1968, 1987, 1993, 1999, 2007, 2038, 2039, 2063, 2135, 2187, 2204, 2215, 2226, 2252, 2258, 2282, 2340, 2357, 2360, 2361, 2363, 2364, 2368, 2370, 2375, 2380, 2383, 2387, 2393, 2536, 2558, 2560, 2591, 2595, 2598, 2606, 2614, 2627, 2628, 2631, 2651, 2655 and 2658, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**  
**May 1, 1990**

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: House Bill(s) No(s). 1619, 1648, 1701, 1703, 1777, 1800, 1848, 1871, 1882, 1886, 1887, 1920, 1969, 2031, 2037, 2092, 2107, 2119, 2166, 2178, 2302, 2308, 2310, 2329, 2347, 2358, 2452, 2507, 2519, 2533, 2545, 2546, 2587 and 2646, also, House Joint Resolution(s) No(s). 583 and 588; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**  
**May 4, 1990**

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: House Bill(s) No(s). 74, 196, 705, 1790 and 2219; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.